

Cherwell District Council

Planning Committee

26 October 2017

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 **16/02460/LB + 16/02572/F – Manor House, Banbury Road, Shutford, OX15 6PF.** Appeal by Sir Dominic and Lady Cadbury against the refusal of planning and listed building permission for extension to kitchen block abutting manor house.

17/01052/F – 1 The Green, Chesterton, OX26 1UU. Appeal by J And R Homes Ltd against the refusal of planning permission for the erection of one detached dwelling with parking.

17/01344/F – 6 Little Green, Bloxham, OX15 4QB. Appeal by Mrs Muckelburg against the refusal of planning permission for the change of use from amenity land to domestic use and dropped kerb.

17/01510/F – 79 Bloxham Road, Banbury, OX16 9JS. Appeal by Mr North against the refusal of planning permission for a single and a two storey rear extension.

2.2 Forthcoming Public Inquires and Hearings between 26 October 2017 and 23 November 2017.

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Allowed the appeal by Harlequin Group against the refusal of planning permission for the installation of 1.no. 21 metre high RT Swann Lattice tower on new concrete base with 6 no. antennas, 2 no. dishes, 4 no. cabinets and ancillary development thereto. O2, Land Adj To B4035 CTIL 201348, Unnamed B4035 Single Carriageway 6811256, Sibford Gower. 16/02150/F (Delegated).**

The appeal site is located in the open countryside to the north of Sibford Gower. To the west of the site lies the Cotswold Area of Outstanding Natural Beauty (AONB).

The Inspector considered the main issue to be the effect that the proposal would have on the character and appearance of the area, including the setting of the AONB and whether that any identified harm would be outweighed by the need to site the structure in the proposed location, having regard for the potential availability of alternative sites.

The Inspector considered that the lattice tower would not be clearly visible from the B4035 due to screening provided by existing planting. Although the tower would be clearly visible from the public footpath to the east of the site, the tower would be seen mainly against a backdrop of trees and hedgerows and subject to a suitable colour scheme on the mast, which could be conditioned, its appearance could be camouflaged. The Inspector was of the opinion that a landscaping scheme could screen the development further, which could also be conditioned.

The Inspector considered that given the limited visibility of the proposed development – subject to the suggested conditions – the development would not have a significant visual impact on the surrounding countryside or the AONB.

The Inspector accepted that there was a need for 4G network coverage in the area, as demonstrated by both the signal coverage maps and the supporting representations from local residents and businesses. The Inspector stated that the appellant had considered a number of alternative locations, including sites on buildings, and had addressed the potential for sharing of existing masts. However, the evidence submitted demonstrated that of those which are available and would provide the necessary signal coverage, none were more suitable than the proposed site.

Given the above, the Inspector concluded that the proposal would not cause unacceptable harm to the character and appearance of the surrounding area, including the setting of the Cotswolds AONB. Alternative sites were considered to meet the network coverage needs, but none identified would have caused less harm. The appeal was therefore allowed.

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, Interim Legal Services Manager – Planning, Law and Governance,
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, Interim Legal Services Manager – Planning, Law and Governance,
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

Councillor Colin Clark

Document Information

Appendix No	Title
None	
Background Papers	
None	
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