

**CHERWELL DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**1 OCTOBER 2009**

**REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS**

**APPEALS – PROGRESS REPORT**

**1 Introduction and Purpose of Report**

- 1.1 This is a standard report item, the aim of which is 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 received.
- 1.2 A verbal update on any changes since the preparation of the report will be given.

**2 Wards Affected**

- 2.1 All wards in the District.

**3 Effect on Policy**

- 3.1 Nil.

**4 Contact Officer(s)**

- 4.1 Bob Duxbury (extension 1821)

**5 New Appeals**

- 5.1 None

**6 Forthcoming Public Inquiries and Hearings between 1 October 2009 and 22 October 2009**

- 6.1 None

**7 Results**

- 7.1 Inspectors appointed by the Secretary of State have:
- 7.2 **Dismissed the appeal by Geoffrey Wheeler against the service of an enforcement notice 08/00803/ECOU alleging a change of use from use as an agricultural contactors yard to use as a portable toilet hire company's depot; the erection of a portacabin type office building on the land adjacent to Astell Farm Claydon (Committee)** – The Inspector concluded that the portable toilet hire use has a materially harmful impact on the character and appearance of the area and as such is contrary to the relevant parts of the development plan.

- 7.3 **Dismissed the appeal by Mr & Mrs S Trivizas against the service of an enforcement notice 08/00775/EBCON alleging a breach of listed building control in that the existing canopy and frame have not been removed in breach of condition No.2 of 07/01247/F at the Rock of Gibraltar Public House, Enslow Bridge, Station Road, Kidlington (Delegated)** – The Inspector found that the awning and framework are damaging due to their proximity to the listed building and as such the appeal must fail. The compliance period was extended from 1 month to 2 months.
- 7.4 **Allowed the appeal by Mr Roger Cooke against the refusal of application 09/00491/F for the erection of a single storey front extension at The Cottage, Bell Hill, Hook Norton (Delegated)** – In the Inspector’s view, the extension would blend satisfactorily with the existing dwelling without diminishing the characteristic simple style of the cottage and as a result the proposal would not be harmful to the appearance and character of the dwelling and the wider surroundings in the Conservation Area.
- 7.5 **Dismissed the appeal by Miss Jenny Lam against the refusal of application 09/00524/F for the retention of a 1.2m wooden fence to the front garden at 7 Robins Way Bicester (Delegated)** - The Inspector commented that “While the fence is of comparable height with much of the hedging in the cul de sac, its presence in dividing the frontages of this pair of houses strikes a discordant note in the street scene and detracts from the overall appearance of Robins Way.”
- 7.6 **Dismissed the appeal by Mr Alastair Grenfell against the refusal of application 08/02183/F for the construction of a vehicular access at Hillside, Ardley Road, Middleton Stoney (Delegated)** – In the Inspector’s view, the inadequacy of the parking and turning area is likely to result in vehicles executing a reversing manoeuvre into the highway which would be inimical to safety on this B class road.

## **8 Risk Assessment, Financial Effects and Contribution to Efficiency Savings**

- 8.1 The following details have been approved by Eric Meadows ( Ext 1552) (Financial) and Rosemary Watts (Ext 1566) (Risk)
- 8.2 Risk assessment – this is a monitoring report where no additional action is proposed. As such there are no risks from accepting the recommendation.
- 8.3 Financial effects – 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 revenue estimate.
- 8.4 Efficiency savings – there are no efficiency savings arising from this report.

## **9 Recommendations**

- 9.1 It is **RECOMMENDED** that the Committee resolves to accept this position statement.

Background Papers:

All papers attached to the planning application files reported in this report.