

Cherwell District Council

Planning Committee

30 May 2019

Appeals Progress Report

Report of Assistant Director for Planning and Economy

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

2.1 New Appeals

18/01305/F – The Courtyard, South Side, Steeple Aston, OX25 4RU -
Shed to store bicycles and garden tools and a wood store - (Retrospective)

19/00163/F - Part Land East And Adj To Roundabout At Junction Of Bicester Road, Launton - Erection of accommodation building and associated ancillary external works to accommodate gas fuelled demand response electric generation facility to support the National Grid

18/02046/F – Land North of Merton Road, Ambrosden - OUTLINE -
Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access

18/00672/OUT - OS Parcel 8233 South Of Baynards Green Farm, Streett To Horwell Farm, Baynards Green - Outline development for up to 7,161 m2 of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping.

18/01501/F – The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ -
Change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse

New Enforcement Appeals

None

2.2 Appeals in progress

17/01962/F - OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington - Appeal by Mr H.L Foster against the refusal of Planning Permission for the Material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding.

Method of determination: Public Inquiry

Key Dates

Start Date: 04.09.2018 **Inquiry Date:** 29.07.2019 **Decision:** Awaited

17/02384/OUT - OS Parcel 9100 Adjoining And East Of Last House, Adjoining And North Of Berry Hill Road, Adderbury – Appeal by Hollins Strategic Land LLP against the refusal of Planning Permission for Outline planning permission for up to 55 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road.

Method of determination: Public Inquiry

Key Dates

Start Date: 11.12.2018 **Inquiry Date:** 03.09.2019 **Decision:** Awaited

18/00848/F – Streamways, 8 Rectory Close, Wendlebury, OX25 2PG –
Appeal by Mr and Mrs Hooke against the refusal of Planning Permission for Erection of new detached dwelling with integral garage.

Method of determination: Written Reps.

Key Dates:

Start Date: 11.03.2019 **Statement Due:** 15.04.2019 **Decision:** Awaited

18/01074/F - Stonelea, School Lane, Great Bourton, Banbury OX17 1QY. Appeal by Mr and Mrs Martin against the refusal of Planning Permission for Two dwellings with new shared access from School Lane.

Method of determination: Written Reps.

Key Dates:

Start Date: 07.12.2018 **Statement Due:** 11.01.2019 **Decision:** Awaited

18/01193/OUT – Highlands, 48 Bucknell Road, Bicester, OX26 2DG –
Appeal by Mrs M Stevenson against the refusal of Planning Permission for OUTLINE: The demolition of an existing bungalow and proposed development of 4no. apartments with external works and parking.

Method of determination: Written Reps.

Key Dates:

Start Date: 14.03.2019 **Statement Due:** 26.04.2019 **Decision:** Awaited

18/01332/F - Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton – Appeal by Mr C Smith and Mr R Butcher - Change of use of

land to use as a residential caravan site for 3 gypsy families, each with two caravans and an amenity building; improvement of existing access, construction of driveway, laying of hardstanding, installation of package sewage treatment plant and acoustic bund

Method of determination: Public Inquiry

Key Dates:

Start Date: 29.01.2019 **Inquiry date:** 15.10.2019 **Decision:** Awaited

18/01432/Q56 - Agricultural Barn, Oak Tree Farm, Tadmarton Road, Bloxham – Appeal by Mr P Davenport against the refusal of Prior Approval for Change of use of barn to 1no dwelling house and associated operational development.

Method of determination: Written Reps.

Key Dates:

Start Date: 20.02.2019 **Statement Due:** 27.03.2019 **Decision:** Awaited

18/01436/F – Land Adjacent and West of Roba, Camp Road, Upper Heyford – appeal by Sharon Haddy & Mandy Borton against the refusal of Planning Permission for Erection of three residential dwellings.

Method of determination: Written Reps.

Key Dates:

Start Date: 18.01.2019 **Statement Due:** 22.02.2019 **Decision:** Awaited

18/01490/F - Manor Farm Cottage, Church Lane, Charlton On Otmoor, Kidlington, OX5 2UA. Appeal by David and James Aubrey Calcutt against the refusal of Planning Permission for Erection of building to replace existing outbuilding, the erection of a new glazed link, alterations to another existing building, and their conversion to form one single bedroom dwelling with private amenity area.

Method of determination: Written Reps.

Key Dates:

Start Date: 07.12.2018 **Statement Due:** 11.01.2019 **Decision:** Awaited

18/01644/F – Sycamore House, Shepherds Close, Weston On The Green, OX25 3RF – Appeal by Riverhall Ltd against the refusal of Planning Permission for Erection of building to form 1-bed dwelling, on the siting of the previously demolished barn, with courtyard garden and dedicated parking space.

Method of determination: Written Reps.

Key Dates:

Start Date: 06.03.2019 **Statement Due:** 10.04.2019 **Decision:** Awaited

18/01734/F – 13 Longford Park Road, Banbury, OX15 4FU – Appeal by Mr J Pickup against the refusal of Planning Permission for RETROSPECTIVE - Brick wall with pier caps.

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 14.03.2019 **Decision:** Awaited

18/01891/F – 2 Grimsbury Drive, Banbury, OX16 3HL. Appeal by Mrs H Beckett against the refusal of Planning Permission for first floor side extension.

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 12.02.2019 **Decision:** Awaited

18/01926/F – Greene House, Brill Road, Horton Cum Studley, OX33 1BZ – Appeal by Mr P Greenslade against the refusal of Planning Permission for Erection of timber garage and workshop (alternative scheme to development approved under application ref. 17/01894/f, comprising higher ridge line, increased length of building and eaves height to approved and insertion of 4no rooflights to east-facing roof elevation) (existing unauthorised)

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 02.04.2019 **Decision:** Awaited

Enforcement appeals

None

2.3 Forthcoming Public Inquires and Hearings between 30 April and the 19 June.

None

2.4 **Results**

Inspectors appointed by the Secretary of State have:

1. **Dismissed the appeal by Mr P Jarvis for Alteration and conversion of cattery building to form a single detached dwelling house. Heathfield Cattery, Heathfield, Kidlington, OX5 3DX. – 18/01248/F (Delegated)**

The proposal involved the conversion and alteration of a collection of prefabricated structures with shallow pitched roofs currently used as a commercial cattery to a single dwelling. A garden for the proposed dwelling was to be located to the side and rear of the buildings.

The Inspector considered that the development would not be inappropriate development in the Green Belt as it would involve the re-use of a building of a permanent and substantial construction and would not result in harm to the openness or conflict with the purposes of including land within the Green Belt.

He therefore considered the main issues were whether the proposal was appropriate in terms of the form of development and its location, with regard to local and national planning policy; and whether adequate living conditions would be provided for future occupiers of the dwelling with particular regard to privacy.

The Inspector considered that the development complied with saved Policy H19 of the Cherwell Plan 1996 as, whilst it did not comply with the supporting

text, which clarifies that the intention of the policy is to encourage the conversion of traditional farm buildings, the existing building was in keeping with its surroundings and generally in keeping with the building pattern and of similar appearance to a number of equestrian buildings in the vicinity.

The Inspector also considered that the site was an appropriate location for this form of development and did not conflict with the part of Policy ESD15 of the Cherwell Local Plan 2011-2031, which seeks to ensure development compliments its context and enhances the character of the area.

However, he found that the proposed conversion would fail to provide adequate living conditions for future occupiers of the site due to first floor windows in adjacent dwellings directly overlooking the garden areas of the proposed dwelling. The proposal would therefore conflict with saved Policy C30 of the Cherwell Local Plan 1996 and those parts of Policy ESD15 of the Cherwell Local Plan 2011-2031 which seek to ensure that appropriate standards of amenity and privacy are provided for new dwellings. Accordingly the appeal was dismissed.

2. Dismissed the appeal by Investfront Ltd for Demolition of existing function hall and redevelopment of the site to provide 2no detached dwellings. The Oxfordshire Inn, Meadow Walk, Heathfield, Kidlington, OX5 3FG – 18/01203/F (Delegated)

The Inspector considered the main issues to be whether (i) the proposal would be inappropriate development in the Green Belt – this issue turning on openness since the site is previously developed land, (ii) whether the site is in a suitable location with particular regard to accessibility and the need to travel by private car; and (iii) the effect on the character and appearance of the area.

On the first issue, the Inspector considered that disagreed with the Council that the proposed development would be 'inappropriate development' in the Green Belt as he considered that the proposed buildings would not be significantly bulkier or more imposing than the existing development at the site and as such it was not considered to harm the openness of the Green Belt.

However, the inspector agreed with the Council that the site was not an appropriate location for new housing having regard to the Council's rural housing strategy, concluding that the proposal would result in an increased need to travel relative to the current situation, with the appellant and Council in agreement that the former hotel use was unviable, and so would not be sited in an appropriate location for new residential development.

The inspector also considered that the proposed design of the dwellings, with hipped roof properties finished in render, would not respect the local building styles of the area and the advice in the Cherwell Residential Development Design Guide SPD. It would therefore harm the character and appearance of the area. The appeal was therefore dismissed.

3. Dismissed the appeal by Mr & Mrs A and P Doyle for Alterations, extensions to and conversion of existing timber frame garage and store

to form one dwelling (revised scheme of 17/01865/F). The Dower House, Church Road, Weston On The Green, Bicester, OX25 3QP – 18/00350/F (Delegated)

The Inspector considered the main issues to be whether (i) the proposal would be inappropriate development in the Green Belt, and (ii) whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

The Inspector considered the proposal to go beyond re-use of a building, and therefore was not one of the exceptions at para 146 of the Framework, but also found that the proposal would harm the openness of the Green Belt, and that even if the proposal could be concluded to be conversion rather than new build it also involved an extension of the building which the Inspector found would be disproportionate.

The Inspector found that there were not very special circumstances to outweigh this harm, and the appeal was therefore dismissed.

- 4. Allowed the appeal by Euro Garages Ltd for Erection of a new building to provide a drive thru bakery (Use Class A1) and a sandwich shop (Use Class A1) plus a compound building, retention of the existing car parking, landscaping and all other associated works. Construction of a drive thru access lane in association with the use of the former Little Chef building as a drive thru coffee shop (Use Class A1). Former Little Chef, Part Of A34 By Weston On The Green, Weston On The Green, Oxford, OX25 3QQ – 18/00034/F (Delegated)**

The Inspector considered the main issue as being whether the drive thru bakery and sandwich shop and associated compound building would be inappropriate development in the Green Belt.

Despite the development taking place on a soft landscaped section, the Inspector considered that the proposal constituted infilling as the buildings would be readily understood and viewed as part of the existing complex of buildings in the service area in which they would be set.

The Inspector also considered that the development ‘would have little impact on the openness of the wider green belt’. This was because the proposed buildings would be of a lower height and smaller scale than the existing development on site and because it would represent a relatively small increase in the built form on the site.

The Inspector concluded that the proposed development would not be inappropriate development in the Green Belt and that the appeal should therefore be allowed.

- 5. Dismissed the appeal by Motor Fuel Group for New recessed forecourt canopy lights – Retrospective. Motor Fuel Ltd, Bloxham Service Station,**

South Newington Road, Bloxham, Banbury, OX15 4QF – 18/01113/F (Committee)

This appeal related to the refusal of a retrospective planning application for eight recessed forecourt canopy lights at Bloxham Service Station.

The Inspector considered that the main issues were the impact of the proposal on the Bloxham Conservation Area and upon the amenity of the proposal upon the amenity of the occupiers of Killowen House.

On the matter of the impact on the conservation area, the Inspector agreed with the Council that both the lights as fitted and the appellant's amended lighting scheme were above recommended levels of luminance. The light was found out to spill beyond the appeal site and no justification was provided for why the lighting needed to be above the recommended levels. The Inspector found that the scheme caused substantial harm to the Bloxham Conservation Area and that there were no public benefits of the scheme.

On the matter of the impact upon the amenity of the occupiers of Killowen House, the Inspector agreed with the Council that the light intrusion into the windows facing South Newington Road would cause harm to the amenity of the occupiers of Killowen House.

The Inspector found that the Council worked positively and proactively to see if a solution or amended scheme could be found.

The appeal was dismissed.

6. Dismissed the appeal by Mr & Mrs S Amies for Provision of a glazed link between the existing farmhouse and the existing barn - Re-submission of 17/00285/F. Corble Farm, Piddington, Aylesbury, HP18 9XB – 18/00920/F (Delegated)

The appeal at Corble Farmhouse was for a glazed link between the main farmhouse and the neighbouring barn. Both buildings are listed and have undergone significant development in the last 30 years after they had fallen into a dilapidated state. The Inspector identified the main issue as *'with both of these appeals is whether the proposal would preserve the special architectural or historic interest of the Grade II listed Corble Farmhouse'*.

Whilst the appellants have tried to limit the impact of the proposed design by making the glazed link narrow and frameless, the Inspector observed that the link *'would still be apparent as a modern feature introduced into this historic context'*. He goes on to identify several key vantage points from which the building is experienced and how the link would impact upon them, concluding that it would cause less than substantial harm to the significance of the listed building.

In mitigation the Inspector did consider the appeal case for Lower Green Farm in Horton cum Studley, which was presented by the appellants as being a similar development in the vicinity of Corble Farm. However the Inspector

was able to differentiate between the two proposals and on the basis of the above dismissed the appeals.

7. Dismissed the appeal by Mr & Mrs S Amies for Provision of a glazed link between the existing farmhouse and the existing barn. Corble Farm, Piddington, Aylesbury, HP18 9XB – 18/00921/LB (Delegated)

The appeal at Corble Farmhouse was for a glazed link between the main farmhouse and the neighbouring barn. Both buildings are listed and have undergone significant development in the last 30 years after they had fallen into a dilapidated state. The Inspector identified the main issue as *'with both of these appeals is whether the proposal would preserve the special architectural or historic interest of the Grade II listed Corble Farmhouse'*.

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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:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.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:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke

Document Information

Appendix No	Title
None	
Background Papers	
None	
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