

Cherwell District Council

Planning Committee

20 June 2019

Appeals Progress Report

Report of Assistant Director 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

18/02046/F – 2 Hudson Street, Bicester, OX26 2EP - 2 No one bed bungalows

18/02056/OUT – 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 – To be decided by Public Inquiry

2.2 New Enforcement Appeals

None

2.3 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

17/02394/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

18/00672/OUT - OS Parcel 8233 South Of Baynards Green Farm, Street 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.

Method of determination: Written Reps.

Key Dates:

Start Date: 08.05.2019 **Statement Due:** 12.06.2019 **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

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

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 16.04.2019 **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

18/01436/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

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

Method of determination: Written Reps.

Key Dates:

Start Date: 17.05.2019 **Statement Due:** 21.06.2019 **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

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.

Method of determination: Written Reps.

Key Dates:

Start Date: 30.04.2019 **Statement Due:** 04.06.2019 **Decision:** Awaited

Enforcement appeals

None

2.3 Forthcoming Public Inquires and Hearings between 21 June and the 18 July.

None

2.4 Results

Inspectors appointed by the Secretary of State have:

1. Dismissed the Appeal by Corporate Innovation for T1 Horse Chestnut - Fell to ground level - subject to TPO 017/1999. The Corporate Innovations Co, 21 Horse Fair, Banbury, OX16 0AH – 18/00956/TPO (Delegated)

The appeal related to the refusal of a TPO application which sought to remove a chestnut tree from a site located inside the Banbury Conservation Area. The Inspector concluded that the main issue was the impact this would have on the amenity of area and whether the reasons given for the tree's removal were justified.

The Inspector agreed with the Council that the mature tree appeared to be in good health for its age and made an important contribution to the street scene. The grounds for the removing the tree was that it posed a risk to people visiting the site and that it was causing damage to a boundary wall and cars parked underneath the canopy which were subjected to falling debris. The Inspector discounted this assessment, observing that the damage to the wall was limited and that any risk to people and vehicles could be addressed through appropriate maintenance.

On the basis of the above, the Inspector dismissed the appeal.

2. Dismissed the appeal by Mr David and James Aubrey Calcutt 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. Manor Farm Cottage, Church Lane, Charlton On Otmoor, Kidlington, OX5 2UA – 18/01490/F (Delegated)

The Inspector considered the main issues to be (i) whether the proposal would be inappropriate development in the Green Belt; (ii) the effect of the development on the character and appearance of the area with particular regard to the Charlton on Otmoor Conservation Area ("the Conservation Area"); and (iii) the effect of the proposal on the living conditions of the occupiers of Manor Farm Cottage with particular regard to outlook.

The Inspector held that the proposal would be limited infilling within the village and would therefore not be inappropriate development in the Green Belt.

In relation to the Conservation Area Appraisal (CAA) for the Conservation Area, the Inspector held that whilst this document does not form part of the development plan, it had been subject to public consultation and was a useful and material document in the appraisal of the appeal proposal. The CAA

explained that Manor Farm Cottage, the barns and outbuildings are all important contributors to the Conservation Area, and noted that the appeal site forms part of a farmstead.

The Inspector found that the appeal proposal would go beyond restoration of the stone outbuildings, and would involve significant alterations, especially with the provision of the link between the two buildings, and that the simple and functional characteristics of the outbuildings would be fundamentally altered. The Inspector concluded that these proposed adaptations to the existing outbuildings would appear at odds with their context in association with Manor Farm Cottage and these alterations would be detrimental to the character and appearance of the Conservation Area. The Inspector also considered that the link between the outbuildings would be an unusual and uncharacteristic addition in the locality.

Furthermore, the Inspector stated that the loss of the green space to the front of the dwelling (identified as significant within the CAA), would exacerbate that harm. The Inspector found there to be no benefits which outweighed the harm identified.

The Inspector found that the appeal proposal would erode the usability and quality of the amenity area currently associated with Manor Farm Cottage to such an extent that the occupiers of dwelling would be left without an adequate standard of private amenity space. The Inspector concluded that the appeal should be dismissed.

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

The Inspector considered the main issues were: whether the proposed development would afford adequate living conditions for its future occupants, with particular regard to the standard of the outdoor space provided; and whether the proposal would preserve or enhance the character or appearance of the Weston-on-the Green Conservation Area (CA).

The appeal site is essentially an open area, with two new dwellings in the process of being constructed to the south. Other residential properties lie close by to both the east and west.

The Inspector found that the 'tall garage building' immediately to the west would significantly overshadow much of the proposed garden space, and the proximity and scale of the dwelling being built immediately to the south would also have an overbearing effect on the outlook from the proposed garden, with the overall effect being an unpleasant garden environment that would not provide an acceptable standard of outdoor space. The Inspector also found that the upper floor windows of one of the dwellings currently under construction to the south would directly overlook the rear garden space for the proposed dwelling, and held that

there would essentially be no outside space with any real privacy during winter months when the proposed trees were not in leaf. She concluded that the degree of overlooking 'would not be characteristic of a usual residential environment' and would add to the sense of an unpleasant outside space.

The Inspector concluded that the presence of garden space for the proposed dwelling would adequately preserve the character of the Conservation Area, but that neither this nor the proposal's contribution towards the provision of a smaller dwelling in a Cat A village and to housing supply generally would outweigh the harm identified in respect of residential amenity, and accordingly dismissed the appeal.

4. Allowed the appeal by Mrs M Stevenson for OUTLINE: The demolition of an existing bungalow and proposed development of 4no. apartments with external works and parking. Highlands, 48 Bucknell Road, Bicester, OX26 2DG – 18/01193/OUT (Delegated)

The Inspector considered the main issue to be whether a building providing four apartments could be appropriately provided at the appeal site with regard to the character of the area and neighbouring amenity.

The Inspector found that the area had a mix of building sizes and styles and that in this context a building of the scale required could be accommodated without being cramped, and could afford space for vehicular access and footpath to both sides. The Inspector held that the matter of hardstanding could be adequately addressed at reserved matters stage but agreed it was important to avoid the appearance of 'traditional hard standing'.

In relation to amenity, the Inspector was satisfied that a suitable design could put forward which would achieve suitable separation distances and a satisfactory level of privacy. The Inspector found that the level of proposed parking provision was adequate, and that future occupiers would not be harmed in terms of noise nuisance. The Inspector concluded that the appeal should be allowed, subject to conditions.

5. Allowed the appeal by Mr P Davenport for Change of use of barn to 1no dwelling house and associated operational development. Agricultural Barn, Oak Tree Farm, Tadmarton Road, Bloxham - 18/01432/Q56 (Delegated)

The application was refused on the basis that the site was considered to not be solely in agricultural use given the equestrian uses which were evident at the site at the time of the site visit. The plans also showed an increase in external dimensions of the existing building and was therefore contrary to the provisions of Class Q.1 (a) and (h) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The appellant submitted amended plans during the appeal process which addressed the issue of external dimensions and the council accepted that this reason for refusal had been overcome.

The main issue remaining was whether the site was solely in agricultural use. The inspector noted the various equestrian paraphernalia which was located on land immediately surrounding the application barn, but determined that the barn was used to house sheep and the curtilage as drawn by the appellants did not include any equestrian uses, despite it being in shared use including equestrian purposes, and despite the acknowledged presence of horse boxes and horse walker in that general area. Weight was given to the statutory declarations which confirmed the agricultural use of the land.

The inspector found that the proposal was acceptable in all criteria under class Q.1 and the appeal was 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,
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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:

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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