

<b>This report is Public.</b>	
<b>Appeals Progress Report</b>	
<b>Committee</b>	Planning Committee
<b>Date of Committee</b>	5 June 2025
<b>Portfolio Holder</b>	Portfolio Holder for Planning and Development, Councillor Jean Conway.
<b>Date Portfolio Holder agreed report.</b>	27 May 2025
<b>Corporate Director</b>	Corporate Director of Communities, Ian Boll.
<b>Date Corporate Director agreed report.</b>	28 May 2025
<b>Report of</b>	Assistant Director Planning and Development, David Peckford

## Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

## 1. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

## 2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

## Implications & Impact Assessments

<b>Implications</b>	<b>Commentary</b>
<b>Finance</b>	The current cost of appeals has exceeded core budget as at the end of May. Therefore, a request for use of reserves will be necessary. This position will be closely monitored throughout the year but further reserve requests may be necessary.

	Kelly Wheeler, Finance Business Partner, 27 May 2025			
<b>Legal</b>	As this report is purely for information there are no legal implications arising. Denzil Turbervill Law & Governance Legal Services 25 May 2025			
<b>Risk Management</b>	This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary. Julie Miles, Performance Analyst & Developer, 28 May 2025			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
<b>Climate &amp; Environmental Impact</b>				Not applicable
<b>ICT &amp; Digital Impact</b>				Not applicable
<b>Data Impact</b>				Not applicable
<b>Procurement &amp; subsidy</b>				Not applicable
<b>Council Priorities</b>	Not applicable			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			
<b>Consultation &amp; Engagement</b>	Not applicable in respect of this report			

## Supporting Information

### 3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

### 4. Details

#### Written Representations

#### 4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/00556/F	1 Ingleby Paddocks, Field House, Enslow	Split the curtilage into two and erection of a new house on the east plot (self-build)	Refused Delegated	07.05.2025
24/00572/F	Fourways, North Street, Islip	Demolition of existing bungalow and construction of two houses - re-submission of 23/02203/F	Refused Committee	08.05.2025
24/03085/F	1 Station Road, Launton	RETROSPECTIVE - Installation of entrance door	Refused Delegated	14.05.2025

#### 4.2. In Progress/Awaiting Decision

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00658/CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Delegated Refused	10.12.2024.
24/01295/F	Duns Tew Manor Main Street Duns Tew	rection of a garden room and associated landscaping.	Delegated Refusal	07.01.2025.

24/02259/F	28 Buckhurst Close Banbury	RETROSPECTIVE - Single storey shed to rear garden	Delegated Refusal	29.01.2025.
24/01378/CLUP	Manor House Islip Road Bletchingdon Kidlington OX5 3DP	Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015	Delegated Refusal	29.01.2025.
24/00519/F	Manor House, Isip Road, Bletchingdon, Kidlington, OX5 3DP.	Variation of condition 2 (plans) of 22/03088/F – alterations to design of main house and garage to include amended chimney design, the use of different construction materials, removal of porch, provision of fire escapes, installation of doors, erection of external stairs to garage, alteration of garage roof from hipped to pitched style roof, insertion of rooflights and addition of solar panels	Refused Delegated	30.01.2025.
24/02261/F	29 Buckhurst Close Banbury	RETROSPECTIVE - Erection of a wooden shed on 10cm concrete base to the rear of garden.	Refused Delegated	03.02.2025.
24/02403/F	2 Meadow Walk Heathfield	Dormer extension to rear roof slope and rooflights to rear roof slope to facilitate conversion of loft to	Refused Delegated	05.02.2025.

		habitable accommodation		
24/01193/F	Fullers Farm, North Street, Fritwell	RETROSPECTIVE - Change of Use of existing office (Unit 1) and ancillary accommodation (Unit 2) to separate dwellings	Refused Delegated	21.02.2025
24/02664/PIP	The Pheasant Pluckers Inn Street Through Burdrop	Planning Permission in Principle is sought for the provision of 3-7 dwellings within the area outlined in red on the accompanying Ordnance Survey Map	Refused Delegated	05.03.2025
23/03366/OUT	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury	Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access	Committee Refused	20.03.2025
24/02787/F	The Woodyard, Bainton	Conversion to a single dwellinghouse (Self-Build)	Delegated Refusal	01.04.2025
24/01646/CLUP	Greenhill Leisure Park Greenhill Farm Station Road Bletchington	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation	Delegated Refusal	27.03.2025
24/00899/OUT	Land Adjoining The Cottage The Green Fringford	OUTLINE application for construction of 9 detached dwellings, formation of new vehicular and pedestrian access, associated landscaping, drainage and associated works	Delegated Refusal	16.04.2025.

		with All Matters Reserved except for Access		
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### **Informal Hearings**

#### **4.3. New Appeals**

None

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>

#### **4.4. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
22/01293/F	Land at Manor View (West of Manor Park) Hampton Poyle, Kidlington, OX5 2PW.	Change of use of land for the creation 2 Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch.	Delegated Refusal	04.11.2024
22/03802/OUT	Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way Hempton Road Hempton	Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV	Refused Delegated	12.02.2025

		panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.		
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### **Public Inquiries**

#### **4.5. New Appeals**

None

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>

#### **4.6. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield,	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	28.11.2024.
23/01265/OUT & 24/01908/OUT  (Linked Appeal)	OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham	Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All Matters Reserved except for means of access - re-submission of 23/01265/OUT	Refused Committee	29.04.2025



## **Enforcement Appeals**

### **4.7. New Appeals**

None

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>

### **4.8. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.	Enforcement Notice	10.11.2023  Written Reps
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28.11.2023  Written Reps
20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024  Written Reps
15/00256/COU	Hebbons Yard, Bicester Road,	Expansion Of Yard Onto Agricultural Land	Enforcement Notice.  1 Day Inquiry	24.02.2025

	Kidlington, OX5 2LD			
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**Forthcoming Public Inquiries and Hearings between 15 May 2025, and 5 June 2025.**

4.9

Application Number	Location	Description (summary)	LPA Decision:	Inquiry Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	Reconvening on the 5 & 6 June 2025

**Appellants Award of Costs Appeal to the Planning Inspectorate.**

22/03873/F	Land Near Stratton Audley, Oxon, OX27 9AL	Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	Refused Committee	<a href="#">Award of Costs Decision</a>  Dismissed
24/01740/DISC	Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon, OX25 4SF.	Discharge of Condition 3 (construction details) of 24/00512/LB.	Refused Delegated	<a href="#">Award of Costs Decision</a>  Dismissed

#### 4.10 **Appeals Results**

##### **23/01616/F – Leys Farm, Hook Norton, Banbury, OX15 5BZ.**

Change of use of land from agricultural to residential and construction of swimming pool with associated landscaping.

##### **Appeal Dismissed**

The Inspector dismissed the appeal because the proposed swimming pool, with its engineered platform and bund, would introduce a stark and incongruous feature into the sloping agricultural landscape, disrupting the natural topography and historic character of the farmstead. Its domestic appearance and visibility from the surrounding fields and approach road would detract from the rural setting and harm the way the heritage asset is experienced. The boundary extension lacked historical justification and would increase domestic activity in an area traditionally associated with agricultural use. The Inspector found that the proposal would cause significant and permanent harm to the setting and significance of the designated heritage asset, with no clear or convincing justification or sufficient public benefits to outweigh this harm. Additionally, the absence of an ecological appraisal for a site within a Conservation Target Area raised further concerns, with the proposal conflicting with local and national policies aimed at protecting biodiversity.

##### **24/00779/F – 6 Railway Cottages, Shipton on Cherwell, Oxon.**

1m extension to existing ground floor with new first floor extension over - re-submission of 23/03177/F.

##### **Appeal Allowed.**

The appeal was allowed and planning permission granted because the Inspector found that the proposed extension—a 1-metre ground floor extension with a new first floor above—would not constitute inappropriate development in the Green Belt. Although the Council argued that the cumulative extensions would result in an 81% increase in volume and be disproportionate, it failed to provide policy or evidence to support this claim. The Inspector concluded that the extension would remain subservient in scale to the original cottage, be sympathetic in design, and use matching materials, thereby preserving the character of the building and surrounding rural area. The development was found to comply with both local planning policies and the National Planning Policy Framework.

##### **24/01097/F Daisies, High Street, Charlton On Otmoor**

Removal of a single storey rear extension and construction of part single and part two storey rear elevation plus associated external works; addition of 2 windows to front elevation

##### **Appeal Allowed**

The appeal was **allowed** and planning permission granted because the Inspector found that the proposed rear and partial two-storey extension, along with minor front elevation changes, would not constitute inappropriate development in the Green Belt. Although the Council argued the extensions exceeded a 50% volume increase, it failed to provide policy or evidence to support this threshold. The Inspector judged the additions to be proportionate and subservient to the original cottage. Furthermore, the development would not harm the openness or purposes of the Green Belt, nor would it negatively impact the character or appearance of the Charlton on Otmoor Conservation Area or the setting of nearby listed buildings, including the Grade I listed church of St Mary the Virgin. The design was considered sympathetic and in keeping with the local vernacular.

### **22/03873/F - Mill Lane, Stratton Audley**

Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.

### **Appeal Allowed**

The Inspector allowed the appeal and granted planning permission for a large-scale solar farm and battery storage facility near Stratton Audley, Oxfordshire. While the proposal was found to cause moderate harm to the character and appearance of the area—particularly from certain public rights of way—the Inspector concluded that this harm was localised and could be mitigated through landscaping. The Inspector acknowledged conflict with some local planning policies but found that the substantial benefits of the scheme, including renewable energy generation, biodiversity net gain, and alignment with national climate goals, outweighed the identified harm. The decision emphasised the importance of supporting renewable energy infrastructure in the context of national and local climate commitments, provided that adverse impacts are appropriately managed.

### **Costs Decision Summary:**

The Inspector refused the appellant's application for a full award of costs against Cherwell District Council. Although the Council's professional officers and independent landscape consultant acknowledged that landscape impacts could be mitigated by conditions, the Planning Committee exercised its planning judgment to refuse the application based on perceived residual harm. The Inspector found that this was a legitimate use of planning discretion and not unreasonable behaviour. Therefore, the Council's actions did not result in unnecessary or wasted expense for the appellant, and no award of costs was justified.

### **24/01097/F Daisies, High Street, Charlton On Otmoor**

Removal of a single storey rear extension and construction of part single and part two storey rear elevation plus associated external works; addition of 2 windows to front elevation

## **Appeal Allowed**

### **24/02205/F - 26 Winchester Close, Banbury, Oxon, OX16 4FP.**

Change of Use of land to residential and erection of a detached double garage ancillary to No. 26 Winchester Close - re-submission of 23/03406/F

## **Appeal Dismissed**

The application was for a construction of a detached garage to the front of the house, on amenity land. A number of applications have been submitted over the years for a structure in this location, and a dwelling has been dismissed at appeal previously. This application, although smaller, still had a similar impact to the previous applications on the site, that it would have a detrimental impact on the character and appearance of the street scene. The Inspector agreed with the Case Officer, the proposal will have a negative impact on the character and appearance of the locality.

### **24/02814/ADV - Bloxham Service Station, South Newington Road, Bloxham, OX15 4QF.**

1no D6 internally illuminated (digital advertisement) screen.

## **Appeal Dismissed**

This application was for a LCD advert, which rotated on the garage forecourt. The application was refused as it would impact on the edge of village location. It was argued the sign is more akin with an urban settlement such as Banbury. Officers did not consider the sign would have a harmful impact on the setting of a nearby Listed Building. The Inspector disagreed with the impact on the setting of the nearby Listed Building and concluded that the impact to the designated heritage asset, and the benefits did not outweigh the harm caused. The inspector agreed with Officer's that it would result in a detrimental impact on the character and appearance of the locality and therefore dismissed the appeal on both grounds.

## **5. Alternative Options and Reasons for Rejection**

- 5.1 None. This report is submitted for information.

## **6 Conclusion and Reasons for Recommendations**

- 6.1 The report provides the current position on planning appeals for information for Members.

## **Decision Information**

Cherwell District Council

<b>Key Decision</b>	Not applicable
<b>Subject to Call in</b>	Not applicable
<b>If not, why not subject to call in</b>	Not applicable
<b>Ward(s) Affected.</b>	Appeal dependent

## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	None
<b>Background Papers</b>	None
<b>Reference Papers</b>	All documents in respect of the planning appeal
<b>Report Author</b>	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
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