

This report is Public	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	4 December 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway
Date Portfolio Holder agreed report	24 November 2025
Report of	Assistant Director Planning, 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

Implications	Commentary
Finance	The current cost of appeals has exceeded core budget as at the end of July. 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.
Legal	As this report is purely for information there are no legal implications arising. Denzil Turbervill, Head of Legal Services, 25 November 2025

Risk Management	<p>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.</p> <p>Celia Prado-Teeling, Performance Team Leader: 26 November 2025</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A 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 Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	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
25/02077/AGN	Tuther Corner Brill Buck HP18 9UZ	Prior approval application for 2 No agricultural general-purpose barns	Refused Delegated	28.10.2025.
24/02234/F	Field Farm, Stratton Audley Road, Stoke Lyne, Bicester, Oxon, OX27 8FT	Self-Build - Alterations and conversion of 3 no. existing barns to form 3 no. residential dwellinghouses (re-submission of 23/02255/F)	Refused Delegated	28.10.2025.
25/02149/PIP	Bishops End, Burdrop, Banbury	Permission in principle - 3-4 new dwellings	Appeal Against Non-Determination	31.10.2025

	Oxon, OX15 5RQ			
--	-------------------	--	--	--

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
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.	Refused Delegated	06.07.2024.
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.	Refused Delegated	10.12.2024.
24/01646/CLUP	Greenhill Leisure Park Greenhill Farm Station Road Bletchington Kidlington OX5 3BQ	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation	Refused Delegated	27.03.2025
22/03163/F	Cropredy Lawn, Cropredy Lawn Road	RETROSPECTIVE: - siting of 4 glamping pods	Refusal Delegated	25.07.2025.
25/00007/LB	Little Brook, The Colony,	RETROSPECTIVE - Revision of roof	Refused Delegated	18.08.2025.

	7 Colony Road, Sibford Gower, OX15 5RY.	slope from consented drawings application 21/00438/LB		
24/03296/F	Little Brook, The Colony, 7 Colony Road, Sibford Gower, OX15 5RY.	RETROSPECTIVE - Revision of roof slope from consented drawings application 21/00438/LB	Refused Delegated	18.08.2025.
25/01186/F	Garage At 2 The Limes Oxford Road Banbury OX16 9AN	Demolition of existing garage and erection of a flat-roofed two-storey dwelling	Delegated Refused	19.08.2025.
25/01052/F	37 Fernhill Road, Begbrook, Kidlington, OXON, OX5 1RR	Proposed first floor extension to existing dwelling and cladding of existing external walls with render	Refused Delegated	05.09.2025
25/00449/REM	Reynards Lodge North Lane Weston On The Green Bicester OX25 3RG	Reserved Matters application to 24/00804/OUT - Access (with Construction Traffic Management Plan), Layout (with part drainage), Scale, Appearance, Landscaping and Biodiversity (with Construction Environment Management Plan)	Refused Delegated	05.09.2025
24/03218/F	Church View, Manor Road, Great Bourton, OX17 1QP	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works	Refusal (Against Officers Recommendation)	10.09.2025
25/00762/F	113 Danesmoor Banbury OX16 1QE	RETROSPECTIVE - raising of front garden to level off	Refusal Delegated	22.09.2025

25/01773/F	2 Somerville Drive Bicester OX26 4TU	RETROSPECTIVE - Erection of 0.83m close board fencing, on top of existing original front garden 1m brick wall and installation of 2m wooden gates/posts.	Refusal Delegated	24.09.2025
25/016931/F	Fir Cottage, Fir Lane, Steeple Aston, OX25 4SF	Demolition of existing single-storey extensions and part demolition of an existing first-floor extension. Erection of a part single-storey/part two-storey rear extension and associated internal alterations.	Refusal Delegated	07.10.2025
25/01694/LB	Fir Cottage, Fir Lane, Steeple Aston, OX25 4SF	Demolition of existing single-storey extensions and part demolition of an existing first-floor extension. Erection of a part single-storey/part two-storey rear extension and associated internal alterations	Refusal Delegated	07.10.2025
25/01615/PIP	Land East of OS Parcel 3386, Adj to Burycroft Road, Hook Norton	Permission in Principle for a residential development of 3-5 dwellings.	Refused Delegated	15.10.2025

Informal Hearings

4.3. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/03218/F	The Bell Inn, Church View, Great Bourton	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class	Refused Committee	10.11.2025

		C3 Use) and associated minor external alterations to the building and works		
--	--	---	--	--

4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/01461/PIP	Land North of Rattlecombe Road, Shennington, OX15 6LZ.	Permission in Principle - housing development for up to 9 self-build plots	Refused Delegated	21.10.2025

Public Inquiries

4.5. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

4.6. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start 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.	Refused Committee	28.11.2024.

Enforcement Appeals

4.7. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

4.8. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
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
25-10-ENF (25/00012/ENF)	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	Erection of barn and use as an indoor riding arena, pilates studio and chiropractors and associated hard standing.	Enforcement Notice	08.09.2025
25-11-ENF 22/00527/ENF)	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	<p>Without the benefit of planning permission, the erection of a building outlined in green on the attached plan titled 'Location Plan' including the erection of a dwelling house wholly inside that building in the area outlined in blue on the attached plan titled 'Location Plan'.</p> <p>Without the benefit of planning permission, the material change of use of land on which the building outlined in green has been is erected to a mixed use comprising use as a dwellinghouse (which, inside the building is taking place in the area identified in blue on the attached plan titled 'Location Plan') and agriculture and domestic storage use (which, inside the building, is</p>	Enforcement Notice	08.09.2025

		taking place in the area identified in yellow on the attached plan titled 'Location Plan') associated with the both unauthorised dwelling and the adjacent farm dwelling.		
--	--	---	--	--

Forthcoming Public Inquiries and Hearings between 4 December and 15 January 2026.

4.9

24/03218/F	The Bell Inn, Church View, Great Bourton	Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works	Refused Committees	1 Day Hearing
------------	---	---	-----------------------	------------------

4.10 **Award of costs**

24/03162/CLUE – The Barn at Point to Point Far, Mollington, Banbury, OX17 1QE.

Certificate of Lawfulness of Existing Use to regularise the existing use of a dwelling house.

Cost Application Allowed.

Inspector Mark Harbottle awarded partial costs claim to Cherwell District Council against Mr David Jeffries due to unreasonable behaviour during the appeal process. Mr Jeffries failed to submit required documents, adhere to deadlines, or communicate effectively, including denying access for a site visit and not confirming representation or witnesses. These actions led to unnecessary and wasted expense for the Council, particularly in preparing for an inquiry that was later changed to written representations. The award covers costs incurred specifically in preparation for the inquiry.

4.11 **Appeals Results**

23/03078/CLUP – Manor Cottage, Middleton Park, Middleton Stoney, Bicester, OX25 4AQ.

Certificate of Lawfulness of Proposed Development:
Repositioning of existing "tarmac" driveway with a gravel driveway.

Appeal Dismissed.

Cherwell District Council

The appeal by Mr. Richard Gibbs against Cherwell District Council's refusal to grant a Lawful Development Certificate (LDC) for repositioning a tarmac driveway with gravel at Manor Cottage was dismissed. The Inspector, Mark Harbottle, concluded that the proposed hardstanding and access were not permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015. Although part of the land near the dwellinghouse functioned as a kitchen garden and showed signs of domestic use, the area further from the house lacked sufficient association to be considered within its curtilage. As a result, the development required express planning permission and could not be deemed lawful under the relevant provisions of the Order.

24/03162/CLUE – The Barn at Point to Point Far, Mollington, Banbury, OX17 1QE.

Certificate of Lawfulness of Existing Use to regularise the existing use of a dwelling house.

Appeal Dismissed.

The appeal by Mr. David Jeffries for a lawful development certificate (LDC) for the use of a barn at Point to Point Farm as a dwellinghouse was dismissed by Inspector Mark Harbottle. Although evidence suggested the residential use began before November 2020, it failed to demonstrate continuous occupation without significant interruption. More critically, the Inspector found that the appellant had deliberately concealed the residential use through actions such as avoiding building regulations, Council Tax registration, and electoral registration, drawing strong parallels with the Supreme Court's *Welwyn Hatfield* case. This deception undermined the planning process, and as a result, the appellant could not benefit from immunity provisions under planning law.

20/00295/ENF – 16 Almond Avenue, Kidlington.

Garage/Garden building converted to residential premises.

Appeal Dismissed. Enforcement Notice upheld in full.

Background

- Alleged Breach: Change of use from a single dwellinghouse to two dwellinghouses (creation of separate unit No.16A).
- Notice Requirements:
 1. Cease use as more than one dwellinghouse.
 2. Remove washing, cooking, and toilet facilities from the new unit.
 3. Remove post box.
 4. Restore land to its previous condition.
- Compliance Period: 6 months.

Inspector's Findings

- Ground (b): (That the matters alleged to have occurred in the Enforcement Notice have not occurred.)
- Dismissed – Evidence showed No.16A operates as an independent dwelling (own facilities, tenancy agreements, separate Council Tax).

- Ground (d): (That, at the time the Enforcement Notice was issued, it was too late to take Enforcement action against the matters stated in the Enforcement Notice).
- Dismissed – Change of use not immune; most likely occurred May 2020, after the relevant date (25 Jan 2020).

Formal Decision

- Enforcement notice upheld in full.
- No variation: compliance period remains 6 months.

21/00333/ENF – Fairview 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’.

Appeals succeed in part; enforcement notice upheld with corrections and variations.

Inspector’s Findings

- Ground (c): (That those matters (if they occurred) do not constitute a breach of planning control)
- Dismissed – Raising land levels was operational development requiring planning permission.
- Ground (d): (That, at the time the Enforcement Notice was issued, it was too late to take Enforcement action against the matters stated in the Enforcement Notice).
- Allowed in Part – Engineering works (raising land levels and retaining wall) are immune from enforcement action. Operational development (Wooden Outbuilding) was not immune from Enforcement action.
- Ground (a): (That planning permission ought to be granted for what is alleged in the Enforcement Notice)
- Dismissed – Timber outbuilding causes unacceptable harm to outlook from Gulliver’s Cottage.
- Ground (f): (The steps required to comply with the requirement of the Enforcement Notice are excessive and lesser steps would overcome objections.
- Allowed in Part – Requirements to remove engineering works removed.
- Ground (g): (The time given to comply with the Enforcement Notice is too short.
- Dismissed – Compliance period remains at 6 months.

Formal Decision

- Enforcement notice corrected and varied:
 - Removed: Requirements to dismantle gabions, brickwork, and lower ground levels.
 - Retained: Requirement to remove timber outbuilding within 6 months.
- Planning permission for timber building refused.

25/01773/F – 2 Somerville Drive, Bicester, Oxon, OX26

RETROSPECTIVE - Erection of 0.83m close board fencing, on top of existing original front garden 1m brick wall and installation of 2m wooden gates/posts.

Appeal Dismissed

The Inspector dismissed the appeal for the proposed erection of close-boarded fencing and gates at 2 Somerville Drive, Bicester, finding that the development would cause significant harm to the character and appearance of the street scene. The area is defined by open frontages and verdant character, and the solid fencing and gates would appear alien and incongruous, conflicting with local and national planning policies that require proposals to respect local character. While the appellant cited privacy and security needs, these were outweighed by the legitimate aim of protecting the visual amenity of the locality. Highway safety concerns were not considered sufficient to justify refusal, but overall, the harm to visual amenity warranted dismissal of the appeal.

24/02692/F – 63 Sandford Green, Banbury, Oxon, OX16 0SB.

Part single/double storey rear extension and first floor side extensions to facilitate additional 1 studio flat and reduction of 2 existing 2 bed flats to 1 bed flats.

Appeal Dismissed.

The Inspector dismissed the appeal, concluding that while the proposal would not harm the character and appearance of the area, it would significantly compromise living conditions. Key concerns included the external staircase causing overlooking and an oppressive impact on No. 62 Sandford Green, inadequate outlook and light for Flat 1, and insufficient internal space for Studio 2 and Flat 2, all contrary to Policies ESD15 and C30. Despite a modest housing benefit and sustainable location, these adverse impacts were found to significantly and demonstrably outweigh the benefits, so the appeal was refused.

24/02463/F – Newlands, Shutford Road, Epwell, Oxon, OX15 6ER.

Agricultural workers dwelling.

Appeal Allowed.

The Inspector concluded that the appeal should be allowed because there is an essential need for an additional rural worker's dwelling at Newlands due to the extended and overlapping lambing and calving seasons, which require two workers on-site for animal welfare and safety. The static caravan currently used is unsuitable for long-term accommodation, and off-site housing would risk delays in emergencies. The proposed dwelling would not harm the character or appearance of the rural area, as its design and scale are sympathetic to the setting and comply with relevant local plan policies. Conditions were imposed to secure biodiversity enhancements, control materials, and restrict occupancy to agricultural workers.

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

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

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
Report Author contact details	Sarah.gevaux@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk
Executive Director sign off (unless report of Executive Director or Statutory Officer)	Ian Boll, Executive Director Place and Regeneration, 24 November 2025