

Planning Committee

Appeals Progress Report

2 December 2010

Report of Strategic Director Planning, Housing and Economy

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.

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Accept the position statement.

Details

New Appeals

- 1.1 **10/00584/OUT – 14 Charlbury Close, Kidlington-** appeal by Mr Mudd against the refusal of planning permission for the construction of a single storey detached dwelling to accommodate elderly relative- Written Reps
- 1.2 **09/01879/CLUE – Lone Barn, Stoke Lyne, Bicester-** appeal by Mr David Morgan against the refusal of a Certificate of lawful use existing for the use of the building as a dwelling and the surrounding land as residential cartilage – Written Reps
- 1.3 **10/01220/F – Land adjacent to the Old School, Farriers Close, Fringford** – appeal by Brandon Gate Homes Ltd against the refusal of planning permission for 1 no. three bedroom dwelling – Written Reps

Forthcoming Public Inquiries and Hearings between 2 December 2010 and 6 January 2011

2.1 None

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr A Thorburn against the refusal of application 10/00165/F for a rear extension to terraced cottage to provide loft bedroom and improve first floor bedroom and removal of existing dormer at 22 Milton Street Banbury (Delegated)** – The Inspector concluded that the proposed development because of its adverse effect on the character and appearance of the existing dwelling and terrace, would not preserve the character and appearance of the Banbury Conservation Area. The Inspector acknowledged the appellant's understandable desire to improve the existing accommodation. However, this consideration did not outweigh the harm identified, particularly as there is no reason to believe the accommodation could not be improved in a manner that would ensure the character and appearance of the conservation area is preserved.
- 3.2 **Dismissed the appeal by Mr & Mrs A Gordon against the refusal of application 10/00117/F for the erection of one dwelling and associated works at land adjoining Bon Accord, Middle Barton Road, Duns Tew (Delegated)** – In the Inspector's view, the proposal would harm the rural character of Duns Tew, because it would erode the open character of the site and the adjoining rear gardens. This led the Inspector to conclude that the proposed development would not preserve the character and appearance of the Duns Tew Conservation Area. Although the Inspector noted the Council's concern about limited visibility at the access to the site on Middle Barton Road, he did not consider that this was sufficiently serious in highway terms for the appeal to fail on this point.
- 3.3 **Allowed the appeal by A C Lloyd against the refusal of application 09/01450/F for the change of use of the land, previously used as railway land, for the erection of five residential properties at land adjacent to DJ Stanton Ltd, Station Road, Hook Norton (Delegated)** – The Inspector's overall conclusion is that the appeal site lies on the edge of Hook Norton where the former railway embankment could be utilised as a definable limit to this part of the settlement.

The site benefits from its containment by the vegetation which has grown around it and which would help to screen the development. Consequently, the Inspector was satisfied that it would not be detrimental to the character and appearance of the area nor contrary to the provisions of the development plan.

- 3.4 **Varied and subsequently upheld the enforcement notice 09/00572/EUNDEV served by the Council following an appeal by Mr D Barnes in relation to the stationing of 3 containers at land at Patrick Haugh Road, Arncott (Delegated)** – The Inspector stated “The containers could be removed at any time simply by lifting them onto a lorry. In physical terms all that the notice requires is the simple removal of the containers and their contents. Three months is clearly adequate to arrange and carry out such operations” The Inspector varied the notice by deleting the requirement to restore the land to a state suitable for agricultural use as this requirement went beyond what is necessary to remedy the breach of control.

Implications

- Financial:** 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 Joanne Kaye, Service Accountant 01295 221545
- Legal:** There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.
- Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688
- Risk Management:** 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 Rosemary Watts, Risk and Insurance Manager 01295 221566

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
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