

# Planning Committee

## Appeals Progress Report

19 May 2011

### 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

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The meeting is recommended:

- (1) That the position statement be accepted.

#### Details

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##### New Appeals

- 1.1 **11/00093/ECOU- 11/00101/ECOU- Land adjacent to Oxford Canal, Boddington Road, Claydon**- appeals by Mr D Clarke, Mr & Mrs McCarthy, Mr J Willis, Ms R Lloyd, Mr & Mrs Cox, Mr I Kirkpatrick, Mr T Wallstrom, Ms J S Chattaway and Mr K Clarke against the service of an enforcement notice alleging a breach of planning control – without planning permission, the change of use of agricultural land to use as a private plot for domestic garden purposes- Hearing
- 1.2 **11/00167/F- Manor Farm, Noke** - appeal by Mr K O Pelton against the refusal of planning permission for a revised domestic curtilage including the change of use of agricultural land to domestic- Hearing

- 1.3 **11/00014/F – 12 Fair Close, Bicester** – appeal by Ms Jane Benham against the refusal of planning permission for the erection of a two storey side extension – Householder written reps

**Forthcoming Public Inquiries and Hearings between 19 May 2011 and 16 June 2011**

- 2.1 **Inquiry at 10.00am on Wednesday 8 June 2011, Council Chamber, Bodicote House, Bodicote** – to consider the appeal by Mr David Goddard against the refusal of planning application 10/00839/F for the change of use of land for British Romani gypsy families, 8 mobile homes, 8 touring caravans for nomadic use only and 8 utility day rooms at OS parcel 2678, adjacent A43/A34 by Hampton Gay and Poyle

**Results**

**Inspectors appointed by the Secretary of State have:**

- 3.1 **Allowed the appeal by Mr & Mrs RJ and HP Beesley against the refusal of application 10/01401/F for a single storey dwelling with parking area at Glenside, Paddock Farm Lane, Bodicote (Delegated)** – In the Inspector's view, when seen from outside the Conservation Area from Wykham Lane and nearby footpaths, the proposed bungalow would sit comfortably within the village framework, against the backdrop of a significantly larger two storey house and between bungalows at the end of Paddock Farm Lane and Malthouse lane. It would appear as a logical 'rounding off' of the village, without detracting from the setting of many attractive buildings within the Conservation Area.
- 3.2 **Dismissed the appeal by Mr G Durand and Miss H Ferguson against the refusal of application 10/01611/F for a single storey (at first floor) and two storey side extensions and loft conversion at 9, The Closes Kidlington (Delegated)** - The Inspector stated "Although the first floor would be set back from the front, it would intrude on the existing upper level gap between no. 9 and no. 85, and reduce the degree of detachment between the buildings that contributes to the prominence of no. 85. This would detract from the significance of no. 85 as derived from its setting. The proposed use of render for the upper floor would also not be in keeping with the materials of no. 9 and the extension would unbalance the semi-detached pair." The Inspector went on to conclude that the proposal would harm the setting of no. 85 and the character and appearance of the Conservation Area.

- 3.3 **Allowed the appeal by Mrs H Mountfield against the refusal of application 10/01111/F for the erection of a timber framed summer house at Lower Farm Cottage, Lower Street, Islip (Delegated)** – In the Inspector’s view, as a single storey structure, with a maximum height of 3.36 metres to the ridge and a footprint of 13.5 square metres, it would fit comfortably within the garden without occupying a disproportionate area of the curtilage or otherwise appearing too large. The proposed summer house, would not, by reason of its siting, design or materials, fail to preserve the character and appearance of the Conservation Area.
- 3.4 **Dismissed the appeal by Mr Michael Furey against the refusal of application 10/01720/F for three ornamental walls to the front of the property nearly enclosing the drive at 72 Daimler Avenue, Banbury (Delegated)** – The Inspector stated “ The walls that have been erected to the front of the appeal property, whilst not particularly high, appear visually discordant and detract from the pleasing impression of spaciousness within the street scene” This led the Inspector to conclude that the development causes significant harm to the character and appearance of the area.
- 3.5 **Dismissed the appeal by Mr N Wingfield against the refusal of application 10/01240/F for the demolition of three brick garages and the erection of a two storey unit with ground and first floor flats at Goodrington Close (adjacent to 36 Townsend) Banbury (Delegated)** – In the Inspector’s view, the proposed residential development would extend across a larger proportion of the site and being two storeys in height with a pitched roof, would appear as a far more substantial and imposing structure. The overall effect of this would be to erode the spacious setting of the junction, to the detriment of the character and quality of the street scene. The Inspector concluded that the proposed development would cause significant harm to the character and appearance of the area.
- 3.6 **Dismissed the appeal by Mr R Hayward against the refusal of application 10/01339/F for a single storey dwelling at land rear of End Cottage, The Stile, Deddington (Delegated)** – The Inspector was of the view that none of the various listed buildings nearby would be directly affected by the development and went onto to state “therefore the site is capable of being developed without significantly altering the street pattern or affecting any significant views within the conservation area. The site is also large enough, having regard to the general standards of the area, to accommodate a new dwelling.”

The Inspector shared the Council’s concern about the detailed design of the proposed dwelling. The design as a whole lacks clarity failing either to respect local traditional building styles or to create a contemporary design of real quality.

The Inspector concluded that the proposed development is not of

sufficient design quality to preserve, and would certainly not enhance, the character and appearance of the Deddington Conservation Area.

- 3.7 **Dismissed the appeal by Mr Brain Franklin against the refusal of application 10/00747/F for the change of use of barn with extension to provide indoor equestrian school at Moorlands Farm, Murcott (Delegated)** – The Inspector found that the proposed use is not an agricultural use. Neither would the extended building be used to provide essential facilities for outdoor sport and outdoor recreation. The use would harm the openness of the Green Belt. The re-use of the building would have a materially greater impact than the present use on this openness. The factors in favour of the development do not clearly outweigh the harm arising from inappropriateness and from harm to the character and appearance of this rural location. In this case, there are not the very special circumstances necessary to justify the development.
- 3.8 **Dismissed the partial costs application made against the Council relating to the appeal against the refusal of application 10/00747/F by Mr Franklin, Moorlands Farm, Murcott** –The Inspector found that there was no evidence that the Council did not give thorough consideration to relevant advice from the Environment Agency. Unreasonable behaviour, resulting in unnecessary expense by the appellant had not been demonstrated and the partial award of costs was not justified

## Implications

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- 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 Nigel Bell, Team Leader-Planning & Litigation 01295 221687
- 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 Nigel Bell, Team Leader-Planning & Litigation 01295 221687

## Wards Affected

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All

## Document Information

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