

Cherwell District Council

Planning Committee

18 July 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

18/00792/OUT - Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN - Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no dwellings, with associated works and provision of open space - To be decided by a Hearing

18/01822/F - Bicester Service Station, Oxford Road, Bicester, OX26 1BT - Re-development of the existing service station including the retention of the existing petrol filling station (PFS) and kiosk; demolition of existing restaurant building and construction of a drive-thru coffee-shop; construction of a restaurant building on land currently used for HGV parking; associated parking provision; retention of existing vehicular access from Oxford Road and reconfiguration of internal access routes to serve the development; creation of separate pedestrian/cycle access; all associated engineering and landscape works - re-submission of 17/01967/F

18/01727/F – 126 Churchill Road, Bicester, OX26 4XD - Externally re-clad and re-image an existing office and the attached industrial brick factory, storage and distribution unit. This includes splitting the existing industrial unit

into 5 separate areas with additional DDA access and Accessible WC provision to all areas.

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

18/01332/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

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

Method of determination: Written Reps.

Key Dates:

Start Date: 07.05.2019 **Statement Due:** 11.06.2019 **Decision:** Awaited

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.

Method of determination: Public Inquiry

Key Dates

Start Date: 20.05.2019 **Inquiry Date:** 20.08.2019 **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 18 July and the 15 August.

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

Inquiry Date: 29.07.2019 (5 days 13:00 start on first day)

2.4 **Results**

Inspectors appointed by the Secretary of State have:

1. **Dismissed the appeal by Mr P Greenslade 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). Greene House, Brill Road, Horton Cum Studley, Oxford, OX33 1BZ – 18/01926/F (Delegated)**

The Inspector supported the Council's changes to the description of development.

The Inspector considered the main issues to be (i) whether the development is inappropriate development in the Green Belt, (ii) the effect on the openness of the Green Belt and (iii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

The Inspector noted that planning permission had been given in 2017 for a similar but smaller building on the site. The Inspector disagreed with the appellant's contention that the 2004 permission for the dwelling envisaged a new garage being provided but found nonetheless that permission had been granted for a garage in 2017, and held that the proposal had to be assessed on its own merits based on current local and national policy relating to new buildings in the Green Belt. In addition the Inspector was not persuaded that the appeal decision in Chiltern District (raised by the appellant) was directly comparable to the appeal proposal.

The Inspector agreed with the Council that the garage was inappropriate development in the Green Belt, and was by definition harmful to the Green Belt. The Inspector also found the garage to be harmful to the openness of the Green Belt and the purposes of including land in it. Even when comparing it with the approved outbuilding, the Inspector noted there would be some additional harm to openness due to the increased footprint and height.

Turning to the 2017 permission, the Inspector found the footprint of the building erected not significantly beyond that of the 2017 approval, but found the increase in height to have increased the building's prominence, reduced its subservience and resulted in a greater impact on the openness of the Green Belt, therefore only attaching moderate weight to the 2017 approval as a fallback position.

Lastly the Inspector held that the appellant's contentions (a) not to have intentionally increased roof volume, and (b) that the increase in height over that originally approved could have been carried out at a later date did not justify allowing the appeal, noting that any further changes to the size of the building would have required planning permission.

The Inspector concluded that the outbuilding is inappropriate development within the Green Belt, not outweighed by other considerations, that very special circumstances did not exist, and accordingly dismissed the appeal.

2. Allowed the appeal by Mr W Ellis for Shed to store bicycles and garden tools and a wood store - (Retrospective). The Courtyard, South Side, Steeple Aston, Bicester, OX25 4RU – 18/01305/F (Delegated)

This appeal relates to a garden shed which has been constructed to the side of a new-build infill dwelling which abuts the Steeple Aston Conservation Area. The retrospective application was refused because the shed was deemed to fail 'to contribute positively to the surrounding built environment, including the setting of the Steeple Aston Conservation Area'.

The Inspector found that whilst visible from the public realm, including the Conservation Area, "these views are relatively contained from the west due to its siting on the cottage, and to the east by the landscaped boundary treatment of the property on the opposite side of the lane to the east. The overall effect is such that the shed is only visible for a very limited and contained stretch of the road frontage and the private lane".

The Inspector goes on to state that "the shed has a neutral and natural colour. The colour blends with the appearance of the stone of the existing cottage and the structure does not appear as excessively obtrusive" and that "the shed is in-keeping with the scale of the cottage and its natural materials and colour assist in it blending in with the existing property". Although Officer questioned this positive assessment of the shed, the Inspector found that it did not result in material harm to the character or the area or the setting of the Conservation Area and the appeal was therefore 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,
Denise.Taylor@cherwellandsouthnorthants.gov.uk

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	
Report Author	Sarah Stevens, Interim Senior Manager, Development Management
Contact Information	sarah.stevens@cherwell-dc.gov.uk