

Cherwell District Council

Planning Committee

14 November 2019

Appeals Progress Report

Report of Assistant Director Planning and Development

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

19/00688/F – 2 Deene Close, Adderbury, OX17 3LD - Remove existing garage roof and trusses, build on top of existing garage walls to form a first floor bedroom, re-install trusses and re-roof in the original roof tiles; partition off existing bedroom to form hallway and study room

19/00848/F – 3 Denbigh Close, Banbury, OX16 0BQ - Change of Use from HMO within Class C4 to 7 bed HMO (sui generis) and new access from Broughton Road

18/02002/F – 76 Sinclair Avenue, Banbury, OX16 1DW – Two storey side extension

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

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

18/01894/OUT - OS Parcel 4300 North Of Shortlands And South Of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire, OX15 5QW - Outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage

Method of determination: Hearing – Wednesday 25th September

Key Dates:

Start Date: 23.07.2019 **Statement Due:** 27.08.2019 **Decision:** Awaited

18/02079/F - 59 West End, Launton, Bicester, OX26 5DG - Conversion of pool house into a two-bedroom dwelling (existing unauthorised) (revised scheme of 17/01008/F)

Method of determination: Written Reps.

Key Dates:

Start Date: 30.08.2019 **Statement Due:** 04.10.2019 **Decision:** Awaited

19/00231/Q56 - Brockford Farm Agricultural Building, Tadmarton Heath Road, Hook Norton, OX15 5BU - Change of use of building and curtilage from agriculture to single dwellinghouse with associated physical works.

Method of determination: Written Reps.

Key Dates:

Start Date: 26.07.2019 **Statement Due:** 30.08.2019 **Decision:** Awaited

19/00444/F – 2 Boxhedge Terrace, Boxhedge Road, Banbury, OX16 0BX - Erection of single storey porch (Retrospective)

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 30.08.2019 **Statement Due:** N/A **Decision:** Awaited

19/00596/OUT – Land to the West of Northampton Road, Weston On The Green - Residential development of up to 18 dwellings with associated access, internal roads, car parking, public open space, landscaping, drainage and other associated infrastructure.

Method of determination: Hearing – 29th October 2019

Key Dates:

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

19/00637/F – 30 Causeway, Banbury, OX16 4SL – Dormer on rear roof slope

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 17.09.2019 **Statement Due:** N/A **Decision:** Awaited

19/00661/F – Purbeck End, 5 Vicarage End, Kidlington, OX5 2EL -
RETROSPECTIVE - Change of Use of attached garage to independent dwelling unit

Method of determination: Written Reps.

Key Dates:

Start Date: 23.09.2019 **Statement Due:** 28.10.2019 **Decision:** Awaited

19/00667/Q56 – Godwins Farm, Somerton Road, North Aston, Bicester, OX25 6AA – Change of use of an agricultural building to dwellinghouse

Method of determination: Written Reps.

Key Dates:

Start Date: 11.09.2019 **Statement Due:** 16.10.2019 **Decision:** Awaited

19/00775/F – Land Adjacent to 26 Winchester Close, Banbury, OX16 4FP
– Detached Dwelling

Method of determination: Written Reps.

Key Dates:

Start Date: 24.09.2019 **Statement Due:** 29.10.2019 **Decision:** Awaited

19/00885/F - 97 Isis Avenue, Bicester, OX26 2GR - Demolition of existing conservatory; erection of single storey front and rear extensions and conversion of garage to habitable accommodation.

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 10.09.2019 **Statement Due:** N/A **Decision:** Awaited

19/00910/F - OS Parcel 6091 East Of Duiker House, Fencott, OX5 2RD - Erection of 1no single storey dwelling and ancillary carport/garden workshop

Method of determination: Written Reps.

Key Dates:

Start Date: 03.09.2019 **Statement Due:** 08.10.2019 **Decision:** Awaited

19/00962/F - Sycamore House, Shepherds Close, Weston On The Green, Bicester, OX25 3RF - Erection of building to form 1-bed dwelling, on the siting of the previously demolished barn, with courtyard garden and dedicated parking space - re-submission of 18/01644/F

Method of determination: Written Reps.

Key Dates:

Start Date: 11.09.2019 **Statement Due:** 16.10.2019 **Decision:** Awaited

19/01043/F - Penny Meadow, 2 The Ridgeway, Bloxham, OX15 4NF - Addition of rooflights to front and rear elevation and dormer to rear elevation to facilitate loft conversion

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 24.09.2019 **Statement Due:** N/A **Decision:** Awaited

Enforcement appeals

None

2.4 Forthcoming Public Inquires and Hearings between 15 November and 18 December 2019

None

2.5 **Results**

Inspectors appointed by the Secretary of State have:

1. **Dismissed the appeal by Mr Stuart Henderson for Amendment to 11/00860/F from a single and two storey rear extension to a two storey rear extension. 107 Woodstock Road, Yarnton, Kidlington, OX5 1PT - 19/00692/F**

Officer recommendation – Refusal (Delegated)

The Inspector considered the main issue to be the proposal's effect on the living conditions of neighbouring residents.

The Inspector agreed with the Council that the impact of the two-storey rear extension along the shared boundary would be harmful to the amenity of the neighbouring residents as it would 'overwhelm and have an unacceptably dominant and overbearing effect on the occupiers of No 105' from views out of the window serving the rear bedroom. The Inspector also found that scale and mass of the proposed extension would block light to the ground floor conservatory, albeit predominantly in the late afternoon.

The Inspector had regard to the fall-back position of the 2011 scheme, which had no two-storey element along the boundary, finding that there was a clear difference in the level of harm between the two schemes. The Inspector gave little weight to an approved development elsewhere in the vicinity, as insufficient information was provided by the appellant in order to fully consider it. The Inspector found no material public benefits that outweighed the identified harm.

Accordingly, the Inspector upheld the Council's decision and dismissed the appeal.

2. **Allowed the appeal by Mr H.L Foster for 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. OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington – 17/01962/F**

Officer recommendation - Approval (Committee)

3. **Allowed the appeal by Hollins Strategic Land LLP for 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. Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN – 18/00792/OUT**

Officer recommendation - Approval (Committee)

The first issue related to the provision of 750 dwellings under Policy Villages 2. The Inspector focussed his decision on the basis that Policy Villages 2 requires the delivery of 750 units and not a grant of planning permission, noting that currently only 271 dwellings have been delivered, although a further 425 are under construction. He further states that the Council's predicted delivery under PV2 assumes that all permissions that have been granted will not only be implemented, but also completed, and considers it to be unrealistic that there will be 100% delivery of all permitted schemes. In this respect he references the Council's AMR (2018) which identifies that permission for 33 dwellings had either lapsed or not been issued, suggestive that some permitted schemes may not be delivered. Further, even if all the sites were delivered, it was accepted, as previously agreed, that an additional 46 dwellings would not lead to a material increase over the 750 which is not a ceiling or a limit.

The Inspector also noted that PV2 does not require a spatial distribution of new dwellings across the 23 Category A Villages, and that given the close proximity of Bodicote and the appeal site to Banbury and access to services, the site would be one of the most accessible locations for new residential development which is reflected in Policy Villages 1 as a Category A village. He notes that there was no mention of conflict with Policy Villages 1 in the Council's reason for refusal.

In terms of the second issue, and the importance of this site as an important gap between Bodicote and Banbury, the Inspector was of the opinion that the existing development already diminished the distinction between Bodicote and Banbury and that the introduction of development on this site would not materially worsen this. He also found that the existing vegetation north of the site, and the flyover itself provided a much stronger visual break between the settlements. He stated that the open space proposed to the northern part of this site would reinforce the visual break provided by the existing landscaping and provide a green link with the mature trees and landscaping along Salt Way, thus maintaining the distinction between Banbury and Bodicote.

In terms of the Section 106, this was agreed by both parties prior to the hearing. The inspector agreed that all requests were necessary to make the development acceptable. The signed Section 106 was therefore accepted.

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:

Kelly Wheeler, Business Partner, 01295 225170,
Kelly.wheeler@cherwell-dc.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
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