

Cherwell District Council

Planning Committee

10 March 2022

Appeal Progress Report

Report of Assistant Director - Planning and Development

This report is public

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.

1.0 Recommendations

1.1 To note the position on planning appeals contained within the report.

2.0 Introduction

2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.

3.0 Report Details

3.1 New Appeals

a) 21/01474/F – 35 Longleat Close, Banbury, OX16 9TG

Change of use of amenity land to domestic garden and single storey side extension

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations Start

Date: 04.02.2022

Statement Due: 11.03.2022

Decision: Awaited

Appeal reference – 22/00012/REF

b) 21/02346/F – 1 Cranesbill Drive, Bicester, OX26 3WG

Loft conversion with rooflights to front roofslope and dormer extension to rear roofslope.

Officer Recommendation – Refused (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 21.02.2022

Statement due: N/A Decision:

Awaited

Appeal reference - 22/00014/REF

c) 21/01403/F – 5 Chichester Walk, Banbury, OX16 1YP

Two storey extension and conversion into two separate studio flats - with on plot parking and electric vehicle charging points (resubmission of 20/01937/F)

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Date: 22.02.2022
Statement Due: 29.03.2022
Decision: Awaited
Appeal reference – 22/00015/REF

3.2 **New Enforcement Appeals**

a) 20/00115/HH - Thames Valley Police, Headquarters South, 169 Oxford Road, Kidlington, OX5 2NX

Appeal against the decision by the Council not to issue a remedial notice on a high hedge complaint made by a local resident.

Start date: 31.01.2020
Questionnaire due: 28.02.2022

3.3 **Appeals in Progress**

a) 20/01122/F - OS Parcel 9635 North East of HMP Bullingdon Prison, Widnell Lane, Piddington

Material Change of Use of land to use as a residential caravan site for 12no. gypsy / traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant.

Officer recommendation – Refused (Committee)
Method of determination: Hearing – date to be confirmed
Date: 08.10.2021
Statement Due: 26.11.2021
Decision: Awaited
Appeal reference – 21/00033/REF

b) 20/01180/F - OS Parcel 2172 SE Of Vicarage Lane, Piddington

Siting of timber cabin for occupation by a rural worker

Officer Recommendation – Refused (Delegated)
Method of determination: Hearing – Tuesday 10th May 2022
Start Date: 09.12.2021
Statement due: 11.01.2022
Decision: Awaited
Appeal reference 21/00045/REF

c) 20/01762/OUT - Land To Rear Of Home Farm Close, Ambrosden, OX25 2NP

Outline planning application for five dwellings, with all matters reserved except means of access

Officer Recommendation – Non-Determination (appeal to be contested by the Council)
Method of determination: Written Representations
Start Date: 05.01.2022
Statement due: 09.02.2022
Decision: Awaited
Appeal reference 22/00002/NON

d) 20/01747/F - Land south side of Widnell Lane, Piddington

Change of Use of land to a 6no. pitch Gypsy and Traveller site to include 6no mobiles,

6no tourers and associated operational development including hardstanding and fencing.

Officer recommendation – Refused (Committee)
Method of determination: Written Representations
Start Date: 12.02.2021
Statement Due: 19.03.2021
Decision: Awaited
Appeal reference – 21/00003/REF

e) 20/02192/LB - Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)
Method of determination: Hearing – 18th/19th May 2022
Start Date: 30.11.2021
Statement due: 19.02.2022
Decision: Awaited
Appeal reference: 21/00037/REF

f) 20/02193/F – Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)
Method of determination: Hearing – 18th/19th May 2022
Start Date: 30.11.2021
Statement due: 19.02.2022
Decision: Awaited
Appeal reference 21/00036/REF

g) 20/02446/F – Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD

Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake - re- submission of 18/00904/F

Officer Recommendation – Approval (Committee)
Method of determination: Written Representations
Start Date: 09.12.2021
Statement due: 13.01.2022
Decision: Awaited
Appeal reference 21/00046/REF

h) 20/03635/F – Land Adjacent to 1 Coleridge Close, Bicester, OX26 2XR

Erection of one bedroom bungalow and associated works

Officer Recommendation – Refusal (Delegated)
Method of determination: Written Representations
Start Date: 07.12.2021
Statement due: 11.01.2022
Decision: Awaited
Appeal reference 21/00043/REF

i) 21/00500/OUT – Land North of Railway House, Station Road, Hook Norton

Erection of up to 43 new homes, access from Station Road and associated works including attenuation pond

Officer Recommendation – Approval (Committee) Method of determination: Hearing – date to be confirmed Start Date:

09.12.2021

Statement due: 13.01.2022

Decision: Awaited

Appeal reference 21/00044/REF

j) 21/00824/OUT – Land Adjacent to Allotments Off Duns Tew Road, Hempton, OX15 0QZ

Outline application for the erection of a detached dwelling (3-bed) & associated works

Officer Recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 24.01.2022

Statement due: 28.02.2022

Decision: Awaited

Appeal reference 22/00007/REF

k) 21/00923/F – 43 Oxford Road, Kidlington, OX5 2BP

Demolition of bungalow and replace with 5 no apartments (Re-submission of and amendments to 17/00917/F)

Officer Recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 13.01.2022

Statement due: 17.02.2022

Decision: Awaited

Appeal reference 22/00005/REF

l) 21/01488/F – The Old Bakehouse, Bakers Lane, Swalcliffe, OX15 5EN

Single storey extensions and conversion of garage to habitable accommodation

Officer Recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 25.01.2022

Statement due: 01.03.2022

Decision: Awaited

Appeal reference 22/00008/REF

m) 21/01489/LB - The Old Bakehouse, Bakers Lane, Swalcliffe, OX15 5EN

Single storey extensions and garage conversion

Officer Recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 25.01.2022

Statement due: 01.03.2022

Decision: Awaited

Appeal reference 22/00009/REF

n) 21/02867/F – Barton House, 62 Mallards Way, Bicester, OX26 6WT

RETROSPECTIVE: Erection of a timber pergola

Officer Recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track) Start
Date: 25.01.2022
Statement due: N/A
Decision: Awaited
Appeal reference 22/00010/REF

o) 21/02883/F – The Bungalow, White Post Road, Bodicote, OX15 4BN

Flat roofed single garage

Officer Recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 04.12.2021
Statement due: N/A Decision: Awaited
Appeal reference 21/00042/REF

3.4 Enforcement Appeals in Progress

a) 21/00215/ENF – Land Adjacent To 1 Coleridge Close, Bicester, OX26 6XR

Appeal against the enforcement notice served for 'Without planning permission, the erection of a timber fence above 1 metre in height and adjacent to a highway'

Method of determination: Written Representations
Start Date: 26.01.2022
Statement due: 09.03.2022
Decision: Awaited
Appeal reference 22/00011/ENF

3.5 Forthcoming Public Inquiries and Hearings between 11 March 2022 and 7 April 2022

None

3.6 Appeal Results

Inspectors appointed by the Secretary of State have issued the following decisions:

a) 20/01984/F – Allowed the appeal by Mr A Rugg against the refusal of planning permission for Single storey extension to the front and side (resubmission of 19/02605/F). 98 Hazel Crescent, Kidlington, OX5 1EL

Appeal summary to follow in the next appeals progress report. The decision for the appeal can be found on the Council's online planning register - <https://planningregister.cherwell.gov.uk/Appeals/Display/22/00001/REF>

b) 20/03406/F – Dismissed the appeal by Punch Partnerships Limited against the refusal of planning permission for Erection of a two-bedroom bungalow (C3) to the rear of the existing public house (Sui Generis), with a new access created off Westlands Avenue following the partial demolition of the boundary wall, and associated parking and landscaping. The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA

Appeal summary to follow in the next appeals progress report. The decision for the appeal can

be found on the Council's online planning register -
<https://planningregister.cherwell.gov.uk/Appeals/Display/21/00038/REF>

- c) 20/03407/LB – Dismissed the appeal by Punch Partnerships Limited against the refusal of listed building consent for Partial demolition of the boundary wall to create access for new dwelling proposed under 20/03406/F. The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA**

Appeal summary to follow in the next appeals progress report. The decision for the appeal can be found on the Council's online planning register -
<https://planningregister.cherwell.gov.uk/Appeals/Display/21/00039/REF>

- d) 21/02477/F – Dismissed the appeal by Mrs J Thomson against the refusal of planning permission for Proposed single storey rear part side and front extensions with associated internal and external works. The Gables, 93 Mallards Way, Bicester, OX26 6WT**

Officer Recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference 22/00006/REF

The Inspector identified the main issue of the appeal to be the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

It was concluded that the proposal would harm the character and appearance of the area. The Inspector decided that, whilst the roof ridge height of the side and rear extension would be much lower than the existing, the lack of set back from the front elevation would result in this element appearing less subservient. Added to which, the rendered finish would increase the prominence of the extension. Further, the first-floor side window would appear disproportionately large in comparison to existing upper floor windows of the existing dwelling and immediate street scene. The proposed porch was considered acceptable, however would not diminish the harm caused by the design of the proposed side and rear extension. Overall, the Inspector considered that the proposed side and rear extension would appear unduly dominant and incongruous.

The Inspector dismissed the appeal.

- e) 21/02608/F – Dismissed the appeal by Mr and Mrs Hayes against the refusal of planning permission for Rear two storey and single storey rear extension. Extend front entrance roof to form covered canopy, insertion of new window and doors to front and side elevations. 26 Grebe Road, Bicester, OX26 6EL**

The Inspector identified the main issue of the appeal is the effect of the development on the living conditions of the occupiers of 28 Grebe Road with regard to outlook, light and privacy.

The Inspector found that proposed extension would result in significant enclosure to the rear garden and elevation of No 28 and have an overbearing effect. Views of the extension from the kitchen (ground floor) and lounge (first floor) windows at No 28 would be angled but still noticeable. The Inspector also found that the existing property at No 26 already overshadows No 28 because of its orientation but there would be further loss of light to the rear garden and elevation of No 28 due to size and position of the extension.

The Inspector concluded that the development would result in significant harm to the living conditions of occupiers of 28 Grebe Road with regard to outlook and light.

The Inspector dismissed the appeal.

4.0 Conclusion and Reasons for Recommendations

4.1 The report provides the current position on planning appeals which Members are invited to note.

5.0 Consultation

5.1 None.

6.0 Alternative Options and Reasons for Rejection

6.1 None. The report is presented for information.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:
Janet Du Preez, Service Accountant
janet.du-preez@cherwell-dc.gov.uk

Legal Implications

7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by:
Matthew Barrett, Planning Solicitor
matthew.barrett@cherwell-dc.gov.uk

Risk Implications

7.3 This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:
Louise Tustian, Head of Insight and Corporate Programmes
louise.tustian@cherwell-dc.gov.uk

Equality & Diversity Implications

7.4 This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:
Emily Schofield, Acting Head of Strategy
Emily.Schofield@oxfordshire.gov.uk

8.0 Decision Information

Key Decision:

Financial Threshold Met: No
Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2021-2022:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient, and engaged communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

Report Author and contact details

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