

**Cherwell District Council**  
**Planning Committee**

**3 November 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**

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

**2.0 Introduction**

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) 21/03177/F – Land West of Howes Lane, Bicester**

Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

Officer recommendation: Approval (Committee)  
Method of determination: Hearing  
Hearing Date: Tuesday 17<sup>th</sup> January 2023  
Hearing Venue: Council Chamber, Bodicote House  
Start Date: 04.10.2022  
Statement due: 08.11.2022  
Appeal reference: 22/00045/REF

**b) 22/01585/F – 6 Willow Way, Banbury, OX16 9EY**

Change of use of grass verge/land within applicant's ownership to enclosed residential garden area. Erect 1.8m high close board fencing set back from pavement to match existing rear boundary fencing.

Officer Recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 18.10.2022  
Statement due: 22.11.2022  
Appeal reference: 22/00046/REF

## **3.2 New Enforcement Appeals**

None

## **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  
Hearing Date: Tuesday 22<sup>nd</sup> November 2022  
Hearing Venue: River Cherwell Meeting Room, Bodicote House  
Start Date: 08.10.2021  
Statement Due: 26.11.2021  
Appeal reference: 21/00033/REF

### **b) 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 newbuildings to be used ancillary to the dwellinghouse. Associated landscaping.

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

### **c) 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 newbuildings to be used ancillary to the dwellinghouse. Associated landscaping.

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

### **d) 21/02986/F – 2 The Orchard, Horton Cum Studley, OX33 1BW**

Two storey rear/side extension and associated internal alterations

Officer recommendation: Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 20.04.2022  
Statement Due: N/A  
Appeal reference: 22/00020/REF

**e) 21/03190/F - Land North of Camp Road, East of Holly Trees and 1 Jalna Lodge, Camp Road, Upper Heyford**

Erection of dwelling, detached garage, widening of vehicular access and all associated works

Officer recommendation: Non-Determination  
Method of determination: Written Representations  
Start Date: 21.06.2022  
Statement due: 27.07.2022  
Appeal reference: 22/00034/NON

**f) 21/03445/F – 41 Fernhill Road, Begbroke, OX5 1RR**

Extension and subdivision into two houses

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 10.08.2022  
Statement due: 14.09.2022  
Appeal reference: 22/00038/REF

**g) 21/03452/TEL56 – Street Record, Station Road, Kirtlington**

Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 21.04.2022  
Statement Due: 26.05.2022  
Appeal reference: 22/00021/REF

**h) 21/04112/OUT – OS Parcel 2778 Grange Farm North West of Station Cottage, Station Road, Launton**

Outline application for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis), public open space, access, infrastructure and demolition of existing buildings (all matters reserved except principle means of access from Station Road)

Officer recommendation: Approval (Committee)  
Method of determination: Hearing  
Hearing date: 11<sup>th</sup> October 2022  
Hearing Venue: Council Chamber, Bodicote House  
Start Date: 11.08.2022  
Statement due: 22.09.2022  
Appeal reference: 22/00039/REF

**i) 21/04166/F – The Pheasant Pluckers Inn, Burdrop, OX15 5RQ**

Permission is sought to re-position and amend the structure of the previously allowed 3-bedroom building

Officer recommendation: Refused (Delegated)

Method of determination: Hearing  
Hearing date: 4<sup>th</sup> October 2022  
Hearing Venue: River Cherwell Meeting Room, Bodicote House  
Start Date: 08.07.2022  
Statement due: 12.08.2022  
Appeal reference: 22/00035/REF

**j) 21/04211/F – 5 Milton Street, Banbury, OX16 9PL**

Two storey rear extension

Officer recommendation: Non-Determination  
Method of determination: Written Representations  
Start Date: 12.09.2022  
Statement due: 17.10.2022  
Appeal reference: 22/00041/NON

**k) 21/04271/F - Land South of Faraday House, Woodway Road, Sibford Ferris**

Erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Officer recommendation: Approval (Committee)  
Method of determination: Written Representations  
Start Date: 02.09.2022  
Statement due: 07.10.2022  
Appeal reference: 22/00040/REF

**l) 22/00173/CLUP – 15 Arcott Road, Piddington, OX25 1PS**

Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services.

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 05.05.2022  
Statement Due: 16.06.2022  
Appeal reference: 22/00023/REF

**m) 22/00540/F – Land adjacent 58 Corncrake Way, Bicester, OX26 6UE**

Change of use of land to residential garden land in association with 58 Corncrake Way with the removal of some existing boundary fences and erection of new boundary fences.

Officer recommendation: Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 14.09.2022  
Statement due: 19.10.2022  
Appeal reference: 22/00043/REF

**n) 22/00985/TEL56 - Telecommunications Cabinet CWL 18533, Oxhey Hill, Cropredy**

Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works

Officer recommendation: Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 13.09.2022  
Statement due: 18.10.2022  
Appeal reference: 22/00042/REF

### 3.4 Enforcement Appeals in Progress

a) **20/00236/ENF - Land Rear of PO Merton Road and Adjoining No 2 Chapel Drive, Ambrosden, Bicester**

Method of determination: Written Representations  
Start Date: 13.09.2022  
Statement Due: 25.10.2022  
Appeal reference: 22/00043/ENF

### 3.5 Forthcoming Public Inquires and Hearings between 3 November 2022 and 8 December 2022

a) **20/01122/F - OS Parcel 9635 North East of Hm 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.

Hearing date: Tuesday 22<sup>nd</sup> November 2022. Start Time: 10:00  
Hearing Venue: River Cherwell Room, Bodicote House

### 3.6 Appeal Results

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

a) **17/00334/ENF – Varied the enforcement notice and dismissed the appeals made by Mr and Mrs Kent-Baguley against the enforcement notice served on the address of 107 Middleton Road, Banbury, OX16 3QS for without planning permission, the creation of 7No. Self-Contained units of residential accommodation (6No. Studio Flats and 1No. bedroom flat)**

Method of determination: Written Representations  
Appeal reference: 22/00024/ENF

The enforcement notice relates to the creation of 7no Self-Contained units of residential accommodation (6no Studio Flats and 1no bedroom flat) without planning permission.

The notice required a number of actions to remedy the breach including stopping the use of 7 self-contained flats situated at basement, ground floor, first floor and second floor, remove all fixtures, fixings and utilities associated with the unauthorised flats from the building and restore the land to its conditions before the breach took place.

The time period given to comply with the notice was 12 months.

The appeal was submitted under grounds (d) and (e) of section 174(2) of the Town and Country Planning Act 1990 as amended; (d) that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice and (e) that the notice was not properly served on everyone with an interest in the land.

On ground (e), the Inspector found based on the evidence before them that the Council had served the notice correctly and advised that the appellants have not suffered any substantial prejudice regarding the ground.

For the ground (d) appeal, the Inspector found that the appeal could not succeed as the appellant had provided no evidence to demonstrate that building was re-configured to provide 7 flats at the date that it would need to under the four year rule under S171B(2) of the Planning Act.

The enforcement notice was corrected by the Inspector and the appeal was dismissed.

**b) 21/03726/F – Dismissed the appeal by Mr J Mastrogiacomo against refusal of planning permission for Demolition of existing lean-to structure, erect new single storey extension. Convert existing 3-bed chalet-style house into 3 no separate apartments with off-road parking (revised scheme of 21/01654/F). 123 Oxford Road, Kidlington, OX5 2NP**

Officer recommendation: Refused (Delegated)

Method of determination: Written Representations

Appeal reference: 22/00033/REF

The Inspector noted that amended plans had been submitted during the appeal, which made substantial changes to the proposal. The Inspector did not consider them in her determination of the appeal because she could not certain all interested parties had the opportunity to consider them.

The Inspector identified the main issues of the appeal to be,

- i) The effect of the proposal on the safety of road users and pedestrians using Oxford Road;
- ii) The effect of the proposal on the living conditions of the occupants of 121 Oxford Road with particular regard to daylight levels and overlooking; and
- iii) Whether the proposal would provide adequate living conditions for the occupants of the proposed and host dwellings, with particular regard to fire safety.

In respect of the first issue, the Inspector was unconvinced that there was sufficient space for vehicles to manoeuvre within the space without reversing onto the Oxford Road which would increase the potential for conflict between road users and pedestrians. The Inspector found that the proposal failed to provide the necessary cycle storage but that this could be dealt with by condition.

On the second issue, the Inspector found that the proposal would significantly harm the living conditions of the occupants of 121 Oxford Road through loss of privacy. The windows to serve the bedrooms in the extension would be positioned close to the site boundary and would allow for clear and direct views of the windowed rear elevation of 121 Oxford Road and the associated private rear

garden over boundary treatment.

In respect of the third issue, the Inspector found that the proposal would not result in any loss of outlook to existing openings or additional opportunities for overlooking and associated loss of privacy. The Inspector advised matters relating to fire safety would be covered under separate legislation and would not have a bearing on their consideration of the planning merits of the proposal.

The Inspector concluded that the proposal would result in significant harm to highway safety and neighbouring amenity.

**c) 22/00721/F – Allowed the appeal by Mr Withey and Ms Harvey against refusal of planning permission for front and rear single storey extensions. 2 East Street, Bicester, OX26 3EX**

Officer recommendation: Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Appeal reference: 22/00037/REF

The Inspector noted that the Council had refused permission on the grounds of the front extension and therefore limited the appeal assessment to that extension. The Inspector identified the main issue of the appeal to be the effect of the proposed extension on the character and appearance of the area around East Street and Hudson Street.

The Inspector noted the neighbouring properties which have had extensions but agreed with the Council that there was no other extension in the surrounding area of the type proposed for the appeal property. However, the Inspector found that the extension would not appear as a prominent feature in the streetscape and the existing front porch would remain on the shorter elevation facing East Street and would provide a visual link to the similar characteristic features on the side and front elevations of many other houses in the wider surrounding area.

The Inspector therefore concluded that the proposed front extension would not be harmful to the character or appearance of the area.

**d) 22/00642/F – Dismissed the appeal by Mr O Morton against refusal of planning permission for Proposed single & 1.5 storey front extension (re-submission of app. No. 21/01851/F). 2 Dewars Farm Cottages, Ardley Road, Middleton Stoney, OX25 4AE.**

Officer recommendation: Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Appeal reference: 22/00036/REF

The Inspector identified the main issues of the appeal to be effects of the proposed extension on the character and appearance of the area around Ardley Road to the north of Middleton Stoney, and the living conditions of the occupiers of No 1 Dewars Farm Cottages by way of light and outlook.

In respect to the first issue, the Inspector found that the design and external appearance of the proposed front single and 1.5-storey extension would not be sympathetic to the context or appearance of the pair of dwellings and would not be compatible with the scale of the existing dwelling and the character of the street scene. The Inspector concluded on the issue that the proposal would be

harmful to the character and appearance of the area along Ardley Road and the wider area of open countryside to the north of Middleton Stoney.

In regard to the second issue, the Inspector found that the proposed extension would not be significantly harmful to living conditions of 1 Dewars Farm Cottages. The Inspector found that the proposed extension would be dominant but does not consider that on its own would be sufficient to dismiss the appeal.

The Inspector concluded that the proposed extension would have only very limited harm to the living conditions of the occupiers of No 1, but that it would be significantly harmful to the character and appearance of the area along Ardley Road and the surrounding countryside. In the view of the combined harm, the Inspector dismissed the appeal.

**e) 21/02346/F – Dismissed the appeal by Mr G Wright against refusal of planning permission for Loft conversion with rooflights to front roof slope and dormer extension to rear roof slope. 1 Cranesbill Drive, Bicester, OX26 3WG.**

Officer Recommendation: Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Appeal reference: 22/00014/REF

The Inspector identified the main issue of the appeal to be the effect of the proposed rear dormer extension on the character and appearance of the area around Cranesbill Drive and Germander Way.

The Inspector noted that the dormer would occupy the full width and height of the north-facing rear roof slope and would be a prominent feature in the street scene of Germander Way, readily visible from multiple directions. The Inspector held that it would result in a tall and rather top-heavy appearance and that its apparent verticality coupled with the prominence of the side dormer cheek meant it would have a dominant and incongruous appearance.

The Inspector concluded that the proposed rear dormer would be unsympathetic to the character of the context of the property and the wider street scene.

**f) 21/02804/F – Dismissed the appeal by Mr M Furby against the refusal of planning permission for Erection of dwelling. 19 Hastings Road, Banbury, OX16 0SE**

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Appeal reference: 22/00032/REF

The Inspector identified the main issues of the appeal to be:

- i) the effect of the proposal on the character and appearance of the area;
- ii) the effect of the proposal on the safety of road users and pedestrians along Hastings Road;
- iii) the effect of the proposal on the living conditions of the occupants of 19 Hastings Road with particular regard to outlook; and

iv) whether the proposal would provide satisfactory living conditions for the future occupiers with particular regard to light levels.

On the first issue, the Inspector found that the smaller scale of the proposed dwelling would be at odds with the scale of the host property and other dwellings within the surrounding area. The Inspector also found that the scale and siting of the dwelling would read as an incongruous addition to the site resulting in a form of development which would be contrary to the character of the area. The Inspector thus concluded on this issue that the proposal would adversely affect the character and appearance of the surrounding area.

On the second issue, the Inspector found that the proposed layout of the new car parking spaces would inevitably involve reversing manoeuvres onto the road and over the footpath. This would increase the risk of accidents within the road as it would be hard for drivers reversing out to see oncoming vehicles and would be difficult to see pedestrians approaching the site on the footpath. Accordingly, the Inspector found that the proposal would have an unacceptably harmful effect on the safety of road users and pedestrians using Hastings Road and would thereby compromise the safe operation of the highway network.

Regarding the issue of living conditions of neighbouring residents, the Inspector found that the proposed development would not have an unacceptable effect on the living conditions of the occupants of 19 Hastings Road.

In respect to the fourth issue, the Inspector found the proposed development would provide satisfactory living conditions for the future occupiers with regards to levels of light.

The Inspector considered the extant planning permission for extensions to the dwelling but found significant differences with that approval and the appeal scheme specifically that the appeal proposal was for a separate dwelling.

The Inspector concluded that the benefits of the proposal were significantly and demonstrably outweighed by the identified harm to highway safety and to the character and appearance of the area and accordingly dismissed the appeal.

- g) 21/01818/F – Allowed the appeal by Churchill Retirement Living Ltd against the non-determination of the application for Redevelopment of the site to form 38 no. Retirement apartments including communal facilities, access, car parking and landscaping. Pakefield House, St Johns Street, Bicester, OX26 6SL.**

The appeal is a non-determination appeal however the application was heard at Planning Committee on 13<sup>th</sup> January 2022.

Officer recommendation: Refusal (Committee)

Start Date: 21.04.2022

Statement Due: 26.05.2022

Decision summary to follow in the next Appeals Progress Report. The decision can be found on the Council's online register using the link below.

<https://planningregister.cherwell.gov.uk/Appeals/Display/22/00022/NON>

## **4.0 Conclusion and Reasons for Recommendations**

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

## **5.0 Consultation**

None.

## **6.0 Alternative Options and Reasons for Rejection**

None. The report is presented for information.

## **7.0 Implications**

### **7.1 Financial and Resource Implications**

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:  
Kimberley Digweed, Service Accountant  
kimberley.digweed@cherwell-dc.gov.uk

### **7.2 Legal Implications**

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

Comments checked by:  
Shahin Ismail, Interim Monitoring Officer – shahin.ismail@cherwell-dc.gov.uk

### **7.3 Risk Implications**

This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.

Comments checked by:  
Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556  
celia.prado-teeling@cherwell-dc.gov.uk

### **7.4 Equality & Diversity Implications**

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:  
Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556  
celia.prado-teeling@cherwell-dc.gov.uk

## **7.5 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 2022-2023:

- Housing that meets your needs
- Supporting 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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