

Cherwell District Council

Planning Committee

8 December 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) 22/01404/F – 83 Mold Crescent, Banbury

Full planning application for single storey rear extension and part double storey rear extension

Officer recommendation: Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 17.11.2022
Appeal reference: 22/00049/REF

b) 22/01088/F – 2A Strawberry Hill, Bloxham

Full planning application for single storey front porch extension and incorporation of garage to provide a utility room and study

Officer recommendation: Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 17.11.2022
Appeal reference: 22/00048/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

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 17th January 2023
Hearing Venue: Council Chamber, Bodicote House
Start Date: 04.10.2022
Statement due: 08.11.2022
Appeal reference: 22/00045/REF

b) 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 17th January 2023
Hearing Venue: Council Chamber, Bodicote House
Start Date: 04.10.2022
Proofs due: 20.12.2022
Appeal reference: 22/00045/REF

c) 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
Final Comments Due: 06.12.2022
Appeal reference: 22/00046/REF

d) 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 22nd 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

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 newbuildings 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
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 newbuildings 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
Appeal reference: 21/00036/REF

g) 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

h) 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

i) 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

j) 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

k) 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

l) 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

m) 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

n) 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

o) 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

None

3.6 Appeal Results

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

a) 21/04166/F – The Planning Inspector dismissed the appeal by Mr Geoffrey Noquet against a refusal of permission to re-position and amend the structure of the previously allowed 3 bedroom building at The Pheasant Pluckers Inn, Burdrop, OX15 5RQ

Method of determination: Hearing
Hearing date: 4th October 2022 Start Time: 10:00
Appeal reference: 22/00035/REF

The Inspector identified the main issue as 'whether or not the proposal for a new building would preserve or enhance the character or appearance of the

Sibford Ferris, Sibford Gower and Burdrop Conservation Area (CA), and whether or not it would have an adverse effect upon the setting of a non-designated heritage asset’.

The Inspector concluded that ‘the development would be contrary to the design aims and heritage protection objectives of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 2015, and saved policies C28, C30 and C33 of the Cherwell Local Plan 1996. It would also not conserve and enhance the historic environment in accordance with the National Planning Policy Framework.

In addition, the proposal would lead to conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

The associated ‘Costs’ application was also refused.

- b) 21/04112/OUT – The Planning Inspector allowed the appeal by Richborough Estates against a refusal of permission for the ‘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) at OS Parcel 2778 Grange Farm North West of Station Cottage, Station Road, Launton**

Officer recommendation: Approval (Committee)

Method of determination: Hearing

Hearing date: 11th October 2022 Start Time: 10:00

Appeal reference: 22/00039/REF

The inspector identified the main issues as:

- The effect upon the character and appearance of the village of Launton and the surrounding area; and
- Whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services.

The Inspector noted that Launton had historically evolved as a cruciform village with linear development focussed along and providing active frontages to four routes that meet a central crossroads, but that there have been various modern developments on the north-western side of Station Road. The Inspector found that the depth of the appeal site is respectful of the depth of close by cul-de-sac development at Blenheim Drive and Yew Tree Close, although at the north-eastern end of Launton the depth of built development recedes and there is a more fragmented and informal development pattern.

The Inspector noted the agreement between the main parties that the proposal “would have a limited and localised visual envelope” and found that on-site woodland and established boundary planting would “heavily filter” views of the proposed development from different publicly accessible vantage points, including from along Station Road. The Inspector observed that where views into the site were available these tended to be influenced by the presence of built form on or adjacent to the site. In disagreeing with the Council, the Inspector held that users of the footpath close to and through the site would not be adversely affected by the

development.

Overall, the Inspector held that significant adverse landscape impacts would be avoided but that the loss of agricultural land and the amount of development proposed in an edge-of-settlement location would cause some harm to the character and appearance of Launton and the surrounding rural area and some conflict with Policies ESD15 and Villages 2.

On the second issue, the Inspector noted the number of services from which Launton benefits, but that the walking distance from the site to the village's convenience store would be c.1km and to the primary school c.1.3km, and that the National Design Guide (January 2021) indicates that walkable local facilities should be no more than around 800m away. The Inspector noted that there was a bus service into/from the village (as well as Bicester and Aylesbury), and that facilities in Bicester "would be cyclable" as the Ambrosden inspector had concluded in 2019. Insofar as the site was more than 800m from key village amenities the Inspector found some harm would arise from the site's location and some conflict with Policies ESD15 and Villages 2.

On other matters the Inspector agreed with the main parties that there would be a low level of less than substantial harm to heritage assets in the vicinity but that this would be outweighed by the scheme's public benefits, and was satisfied that, despite permissions now exceeding 1,100 in the Plan period and commencements at sites with planning permission now exceeding 750, the proposal would not prejudice the Council's current housing strategy or conflict with Policies BSC1 or Villages 2 in this regard.

The Inspector considered in some detail the objections of interested parties with regard to highway safety and drainage but concluded that the proposals would be acceptable in these respects as well as in relation to the existing commercial operations.

The Inspector was satisfied with all of the elements of the draft legal agreement other than the suggested £200,000 towards redeveloping Launton Parish Hall, which was found not to meet the relevant tests.

Turning to the planning balance, the Inspector noted the Council's housing supply position and that the presumption in favour of sustainable development was therefore engaged. The proposal's benefits included the provision of additional housing including affordable housing as well as eight live-work units (to which "considerable weight" was afforded). The Inspector also held the benefits included the provision of publicly accessible open space and the delivery of biodiversity net gain.

Overall, the Inspector concluded that the harm identified to the character and appearance of Launton and its surrounding area and by the site's distance to surrounding facilities and services would not significantly and demonstrably outweigh the proposal's benefits and found that accordingly the appeal should be allowed.

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:

Joanne Kaye, Strategic Finance Business Partner – 01295 221545

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, Performance & Insight Team Leader, 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, Performance & Insight Team Leader, 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

Sarah Gevaux, Appeals Administrator, sarah.gevaux@cherwell-DC.gov.uk

Alex Chrusciak, Interim Senior Manager, Development Management
Alex.Chrusciak@cherwell-dc.gov.uk