

# **Cherwell District Council**

## **Planning Committee**

**9 February 2023**

### **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**

The meeting is recommended:

- 1.1 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) **22/01488/OUT - OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road, Banbury.**

Construction of up to 140,000 sq m of employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.

Officers Recommendation: Application not yet determined.

Method of determination: Public Inquiry.

Start Date: 21/12/2022.

Appeal Reference: 22/00053/NON

- b) **21/02573/F – Waverley House, Queens Avenue, Bicester, OX26 2PY**

Demolition of existing building and erection of building to form 48 numbered apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure.

Officer Recommendation: Refusal  
Method of Determination: Hearing  
Start Date: 24/01/2023  
Appeal Reference: 23/00054/REF

### **3.2 New Enforcement Appeals**

None

### **3.3 Appeals in Progress**

#### **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

#### **c) 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  
Appeal reference: 22/00045/REF

#### **d) 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  
Appeal reference: 22/00046/REF

**e) 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  
Appeal reference: 21/00033/REF

**f) 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 – 18<sup>th</sup>/19<sup>th</sup> May 2022  
Start Date: 30.11.2021  
Appeal reference: 21/00037/REF

**g) 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 – 18<sup>th</sup>/19<sup>th</sup> May 2022  
Start Date: 30.11.2021  
Appeal reference: 21/00036/REF

**h) 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  
Appeal reference: 22/00020/REF

**i) 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: Application not determined

Method of determination: Written Representations  
Start Date: 21.06.2022  
Appeal reference: 22/00034/NON

**j) 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  
Appeal reference: 22/00038/REF

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

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

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

**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  
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  
Appeal reference: 22/00023/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  
Appeal reference: 22/00043/ENF

### 3.5 **Forthcoming Public Inquiries and Hearings between 12<sup>th</sup> January and 9<sup>th</sup> February 2023**

None.

### 3.6 **Appeal Results**

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

#### **a) 22/02022/HPA – 59 Hazel Crescent, Kidlington**

Householder Prior Approval Application for 'Ground floor rear extension with flat roof height to eaves 3m, overall height 3m, length 6m.

Method of determination: Householder (Fast Track)

Start Date: 14.12.2022

Appeal reference: 22/00052/REF

Appeal withdrawn by Appellant.

#### **b) 22/00985/TEL56 - The Planning Inspector Allowed the appeal by CK Hutchison Networks (UK) Ltd for a Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works at Telecommunications Cabinet CWL 18533 Oxhey Hill Cropredy.**

Method of determination: Written Representation.

Start Date: 13.09.2022

Appeal reference: 22/00042/REF

The inspector identified the main issue as the effect of the siting and appearance of the proposed installation on the Cropredy Conservation Area.

The inspector concluded that the siting and appearance of the proposal would not have a harmful effect and the proposal would be in accordance with Policy ESD15 of the Cherwell Local Plan 2015 and saved Policy C28 of the Cherwell Local Plan 1996 insofar as they relate to issues of siting and appearance and the Framework which seeks that proposals for telecommunications are sympathetically designed. In addition, concerns have also been raised by third parties in regard to noise and impact on nearby livestock and also with regards to the proximity of the proposed apparatus to the road and parked vehicles. However, no specific evidence was forthcoming regarding either matter.

#### **c) 21/04201/Q56 – The Planning Inspector dismissed the appeal by Crockwell Farm LLP for proposed Building operations (Class Qb) reasonably necessary for Crockwell Barn to function as a single dwelling house (Use Class C3) at Crockwell House Farm, Manor Road, Great Bourton.**

Method of determination: Written Representation.

Start Date: 24/10/2022.

Appeal Reference: 22/00047/REF

The inspector identified the main issue is whether the proposal would constitute permitted development as defined in Class Q of the GPDO, having particular regard to the proposed building operations.

The inspector concluded that the development would not be permitted by Class Q when having regard to the extent of the proposed building operations and the provisions of the PPG.

**d) 21/02986/F – The Planning Inspector dismissed the appeal by Mr & Mrs Geoff Harrison for a two-storey rear/side extension and associated internal alterations at 2 The Orchard Horton Cum Studley OX33 1BW.**

Method of determination: Fast Track (Householder)

Start date: 20/04/2022

Appeal reference: 22/00020/REF

The inspector identified the main issues as the effect of whether the proposal would constitute inappropriate development in the Green Belt and if the proposal would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

The inspector concluded that Paragraph 148 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these are the use of good design and matching materials. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 144 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness. The very special circumstances needed to justify the proposal do not therefore arise. The proposal conflicts with the Policies of the LP and of the Framework, the aims of which I have aforesaid. Accordingly, the appeal should be dismissed.

**e) 22/00540/F – The Planning Inspector Allowed the appeal by S Sanger for a proposed change of use of land to residential garden with the removal of some existing boundary fences and erection of new boundary fences at 58 Corncrake Way, Bicester, Oxon, OX26 6UE.**

Officer Recommendation: Refusal.

Method of determination: Written Representation.

Start date: 14/09/2022.

Appeal Reference Number: 22/00044/REF

The inspector identified the main issue as the effect of the development on the character and appearance of the area.

The Inspector concluded that the development would not have an adverse effect on the character and appearance of the area. It therefore accords with saved policies C28 and C30 of the Cherwell Local Plan November 1996, policies ESD 10 and ESD15 of The Cherwell Local Plan 2011-2031 Part 1 Adopted July 2015, and relevant policies in the National Planning Policy Framework (the Framework). These policies seek, amongst other things, new development to provide good design that is appropriate to its location, scale and function and to protect existing areas of public space and green infrastructure.

## **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](mailto: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](mailto: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](mailto: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](mailto: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, Portfolio Holder for Planning

**Document Information**

None

**Background papers**

None

**Report Author and contact details**

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