

Cherwell District Council

Planning Committee

13 April 2023

Appeals 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

- 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

New appeals

- 3.1 **21/03066/OUT – Land North of Banbury Road, Finmere, MK18 4BW**
OUTLINE application for up to 30 Dwellings and detailed access from Banbury Road, with all other matters reserved.

Officers Recommendations: Refusal (Committee)

Method of Determination: Hearing.

Start Date: 09/03/2023

- 3.2 **22/01354/OUT – 6 Goldsmith Close, Bicester, Oxon, OX26 2XT**
OUTLINE application - Proposed new single dwelling to side garden of the existing property (Resubmission of 21/01041/OUT)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 13/03/2023.

- 3.3 **22/01772/PIP – Land to Rear of Bridge House, Wendlebury, Oxon, OX25 2PW.**
Residential development of 2-3 dwellings.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation
Start Date: 13/03/2023.
Appeal reference: 23/00067/REF

New Enforcement Appeals

- 3.4 None

Appeals in Progress

- 3.5 **20/01122/F - OS Parcel 9635 North East of HMP Bullingdon Prison, 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 November 2022
Hearing Venue: River Cherwell Meeting Room, Bodicote House
Start Date: 08.10.2021.
Appeal reference: 21/00033/REF

- 3.6 **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 – 18/19 May 2022
Start Date: 30.11.2021.
Appeal reference: 21/00037/REF

- 3.7 **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 – 18/19 May 2022
Start Date: 30.11.2021.
Appeal reference: 21/00036/REF

- 3.8 **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

3.9 **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

3.10 **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

3.11 **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

3.12 **22/00173/CLUP – 15 Arncott 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

3.13 **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
Hearing Date: 18 April 2023
Hearing Venue: John Paul II Centre, Bicester
Start Date: 24.01.2023.
Appeal Reference: 23/00054/REF

3.14 **22/02210/F – 2 Cottage View, Great Close Road, Yarnton, Kidlington, OX5 1QW**

Remove existing garage and rear extension; erection of new single and two storey extensions to provide new garage and additional living space - re-submission of 21/04246/F.

Officer Recommendation: Refusal

Method of determination: Written Representation

Start Date: 26.01.2023.

Appeal Reference: 23/00056/REF

3.15 **2/02534/F – 46 Dashwood Avenue, Yarnton, Kidlington, OX5 1NJ**

Render existing house and retrospective application for front boundary treatment including dwarf wall, pillars, posts, and metal railings.

Officer Recommendation: Refused

Method of Determination: Written Representation (Fast Track)

Start Date: 26.01.2023.

Appeal Reference Number: 23/00055/REF

3.16 **22/02121/F – 10 Austin Way, Ambrosden, Bicester, OX25 2DA**

RETROSPECTIVE - Driveway Fence - To restore the property to the intended specification as agreed at the planning stage with the developer. This would take the form of a fence adjacent to the driveway. Side Fence - to replace the existing side fence with a fence of same or lower height, plus a gate to allow a degree of privacy and safety near the highway.

Officer Recommendation: Refusal

Method of Determination: Written Representation

Start Date: 02.02.2023.

Appeal Reference Number: 23/00057/REF

3.17 **22/01908/TEL56 - Street Record, Lucerne Avenue, Bicester**

Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets.

Officer Recommendation: Refusal

Method of Determination: Written Representation

Start Date: 13.02.2023.

Appeal Reference Number: 23/00059/REF

3.18 **21/00078/ENF – Cherwell Concrete – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX**

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers, and storage tanks.

Officers Recommendation: Enforcement Notice

Method of Determination: Written Representation

Start Date: 09.002.2023.

Appeal Reference Number: 23/00061/ENF

3.19 **21/00078/ENF – Mr & Mrs Murphy – Bagnalls Haulage Ltd, Bagnalls Coal Yard,**

Station Road, Enslow, Kidlington, OX5 3AX

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers and storage tanks.

Officers Recommendation: Enforcement Notice

Method of Determination: Written Representation

Start Date: 09.02.2023.

Appeal Reference Number: 23/00060/ENF

Forthcoming Public Inquiries and Hearings between 9 March 2023 and 12 April 2023

3.20 None

Appeal Results

3.21 **21/04271/F – The Planning Inspector dismissed the appeal by Blue Cedar Homes**

Limited for 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

Although the decision on the appeal was made on 9 March, the decision was arrived at in the context of a 3.5 years housing land supply.

The Inspector identified that the main issues are whether the housing would be appropriately located, having regard to the character and appearance of the area, and future residents' accessibility to services and facilities.

On the matter of planning policy, the Inspector agreed with the view of the Inspector on the neighbouring site, i.e. that this scale of development at the Sibfords was acceptable in principle.

The Inspector held that the development would boost housing supply in a district with an acute need because of a deteriorating 5 Year Housing Land Supply position. It would meet a demand for a specialised group in need whilst also adding to the variety of housing within the district and that residents would have reasonable access to services and facilities for a rural area and they would support them in Sibford Ferris and neighbouring villages. There would therefore be an economic and social benefit arising from the development.

The Inspector highlighted that the lack of 5 Year Housing Land Supply meant that the tilted test within paragraph 11 d) ii of the Framework applied and reduced the weight to be given to policy conflicts, Policies BSC 1 and ESD 15 of the Local Plan and Saved Policy C28 of the Local Plan 1996.

However, the Inspector considered that in terms of design and appearance of the development there would be significant harm to be rural character and appearance of the area, and given 6 dwellings are proposed, the benefits would be modest. Paragraph 126 of the NPPF states that the creation of a high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The Inspector held that the proposal would fall considerably short of this requirement by failing to be sympathetic to local character and history, including the surrounding built environment and landscape setting. As such, the Inspector found the policy conflicts based on design to be significant and overriding and that there would be conflict with the development plan taken as a whole.

The Inspector concluded that the harm to the character and appearance would be significant, demonstrably outweighing the modest benefits. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Inspector held that there were no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan, and dismissed the appeal.

The Inspector also refused the appellant's associated application for costs against the Council.

3.22 **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.

Hearing Date: 11 April – 20 April 2023

Start Date: 21.12.2022.

Appeal Reference: 22/00053/NON

Appeals Withdrawn by Appellant

- 3.23 A non-determination appeal submitted by Greystoke CB on 25 November 2022 (Ref: **APP/C3105/W/22/3296229**) against the failure of Cherwell District Council to determine an outline planning application (Ref: **22/01488/OUT**) at Huscote Farm near M40 Junction 11 with the A361 and A422 on the eastern edge of Banbury for the construction of up to 140,000sqm of B8 warehouse/distribution floorspace (with ancillary offices and facilities) and associated infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks, drainage features and other associated works and including demolition of the existing farmhouse was belatedly withdrawn by the Appellant on 15 March 2023.

The withdrawal occurred less than four weeks before a Public Inquiry was scheduled to start on 11 April at Banbury Town Hall and followed a failure by the

Appellant to submit any Proofs of Evidence to support its appeal and an earlier failure to submit Statements of Common Ground.

Those failures and the belated withdrawal of the appeal, Cherwell District Council as LPA, National Highways and Oxfordshire County Council as Local Highway Authority and Local Lead Flood Authority have all separately applied to the Planning Inspectorate for a full award of costs to be made against the Appellant for their unreasonable behaviour in respect to the appeal. A further update will be reported in due course when we know the result of those costs applications.

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

None.

6.0 Alternative Options and Reasons for Rejection

6.1 None. This report is submitted 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:
Kimberley Digweed, Service Accountant
kimberley.digweed@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:
Shahin Ismail, Interim Monitoring Officer,
shahin.ismail@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. 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

Equalities and Inclusion 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:

Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556

Celia.Prado-Teeling@Cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Various, depending on appeal

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Colin Clarke, Portfolio Holder for Planning

Document Information

Appendix number and title

None

Background papers

None

Report Author and contact details

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