

This report is Public.

Appeals Progress Report

Committee	Planning Committee
Date of Committee	16 January 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	7 January 2025
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	6 January 2025
Report of	Assistant Director Planning and Development, David Peckford

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. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

Implications	Commentary
Finance	Whilst there are no direct implications arising from this report it should be noted that the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% Quality threshold.

	<p>This has meant it has been necessary to call upon the appeals reserve to mitigate the overspend on spend to date. Any further cost incurred in defending appeals will require alternative sources of funding.</p> <p>Kelly Wheeler, Finance Business Partner, 17 December 2024</p>			
Legal	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill Law & Governance Legal Services 18 December 2024</p>			
Risk Management	<p>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.</p> <p>Celia Prado-Teeling, Performance Team Leader 18 December 2024</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			

Consultation & Engagement	Not applicable in respect of this report
--------------------------------------	--

Supporting Information

3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

Written Representations

4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/01736/F	Land at Home Farm Close, Ambrosden, Bicester, OX25 2NP.	Erection of 9 dwellings of 1 x 5 bed detached, 4 x 3 bed terraced and 4 x 2 bed terraced.	Delegated Refusal	20.11.2024.
24/00249/F	Land Adj To 6 Lake View, Cottisford, NN13 5ST	New Detached 3 Bedroom Dwelling.	Delegated Refusal	22.11.2024.

24/00912/F	4 The Glades, Launton, Bicester, OXON, OX26 5ED	Erection of a garden building in front of the dwelling with a sliding door and composite decking on the front and a high-level vent window on a right-side elevation. The one-room insulated building will measure 3.8 width, 3 m depth, and 2.5 m at the highest point.	Delegated Refusal	26.11.2024.
24/01810/F	60 Corncrake Way, Bicester, OX26 6UE.	Two storey rear extension with associated internal and external works.	Delegated Refusal	03.12.2024.
24/01740/DISC	Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon, OX25 4SF.	Discharge of Condition 3 (construction details) of 24/00512/LB.	Delegated Refusal	04.12.2024.
24/00658/CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Delegated Refused	10.12.2024.

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00150/CLUE	Unit 22 Beaumont Close, Banbury	Certificate of Lawfulness for the Existing Development: Implementation of planning permission 18/01366/F subsequent to 20/00046/DISC. Erection of 10 small commercial units (B2/B8) with associated car parking and landscaping - (resubmission of 22/00193/CLUE)	Delegated Refusal	15.06.2023.

24/01489/F	17 Read Place Ambrosden Bicester OX25 2BH	Single storey side extension, flat roof, to add a bedroom for disabled person	Delegated Refusal	29.10.2024.
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.
24/01541/F	Cherry Tree House, 7 Evenlode, Banbury, Oxon, OX16 1PQ.	Dropped kerb along with tarmac from road to the access in our rear garden. The current fence height will be lowered to allow safe entry and exit.	Delegated Refusal	04.11.2024.
23/01960/PIP	Barn Farm Planys Garden Centre, Thorpe Road, Wardington	To develop the site for 7-9 dwellings with associated access, parking and amenity space.	Delegated Refusal	06/06/2024.
24/00698/PIP	81 North Street, Fritwell	Permission in Principle - proposed 7-9 dwellings	Delegated Refusal	27.06.2024
21/02058/FUL	Shelswell Inn, Buckingham Road, Newton Purcell	Erection of Barns	Delegated Refusal	02.07.2024
23/01616/F	Leys Farm, Hook Norton, Banbury, OX15 5BZ.	Change of use of land from agricultural to residential and construction of swimming pool with associated landscaping.	Delegated Refusal	08.10.2024.
24/00628/Q56	Quarry Farm, Rattlecombe Road, Shenington	Change of Use and associated building operations to convert existing agricultural building to single dwellinghouse.	Delegated Refusal	09/07/2024.

24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
23/03376/F	5 Mill Lane, Adderbury, Banbury	Natural ironstone rear extension with natural slate roof incorporating 1 No conservation rooflight, internal alterations, removal of timber shed and replacement with timber garden studio (revised scheme of 16/01819/F).	Delegated Refusal	17.07.2024.
24/00620/F	7 Launton Road, Bicester	Demolition of existing detached garage and erection of new 2-bedroom dwelling. Existing 3-bedroom dwelling to be retained.	Delegated Refusal	19.07.2024
23/02071/F	Land to Rear of Wheelright Cottage, Main Street, North Newington	New Build Dwelling.	Delegated Refusal	31.07.2024.
23/03109/F	Land Adj to 20 Almond Road, Bicester	Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.	Committee Refusal (Overturn)	31.07.2024.

23/02865/F	Slatters Barn, Epwell Road, Shutford	RETROSPECTIVE - Installation of two shepherd's huts for use as holiday lets and construction of a driveway to the shepherd's huts - re-submission of 22/02411/F.	Delegated Refusal	01.08.2024.
24/005421/F	1 St Peters Crescent, Bicester	Proposed detached two storey dwelling and two number car spaces	Delegated Refusal	07.08.2024.
24/00466/F	15A South Street, Banbury	Alterations and extension to existing house and outbuildings.	Delegated Refusal	20.08.2024
24/00342/F	141 Bismore Road, Banbury	Erection of Single Storey Garage	Delegated Refusal	21.08.2024
24/01225/F	14 Bismore Road, Banbury	Erection of a single-storey flat roof garage at end of driveway into rear garden	Delegated Refusal	21.08.2024
23/02780/F	Land to West of Griffin Gate, Station Road, Blackthorn	Detached dwelling/holiday let and associated works.	Delegated Refusal	27.08.2024
24/01405/F	Quarry Farm Rattlecombe Road Shenington Oxfordshire OX15 6LZ	Conversion of barn to form a dwellinghouse - self-build	Delegated Refusal	28 10.2024.
21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00779/F	6 Railway Cottages, Shipton on Cherwell	1m extension to existing ground floor with new first floor extension over - re-	Delegated Refusal	06.09.2024

		submission of 23/03177/F.		
24/01391/F	82 High Street, Banbury	Change of use for the ground floor existing charity shop (Class E1) to a tanning salon (sui generis).	Delegated Refusal	17.09.2024
24/00298/Q56	Malthouse Farm, North Aston Road, Duns Tew	Change of Use of two agricultural buildings to form five dwellinghouses	Delegated Refusal	19.09.2024
24/01766/PIP	Former Paddocks, Land off Backside Lane, Sibford Gower, OX5 5RS.	Permission in Principle - construction of up to 5no. dwellings	Delegated Refusal	04.10.2024
24/00917/LB	Village Farm, Blackbull Lane, Fencott, Kidlington, OX5 2RD.	Single storey front, rear, end extensions and carport with associated internal/external works.	Delegated Refusal	11.10.2024.
24/01732/F	54 Dashwood Ave, Yarnton, Kidlington, OX5 1NJ	Erection of three-bedroom dwelling to the rear, accessed off Meadow Way (Self-Build).	Delegated Refusal	15.10.2024.

Informal Hearings

4.3. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

None

4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date

22/01293/F	Land at Manor View (West of Manor Park) Hampton Poyle, Kidlington, OX5 2PW.	Change of use of land for the creation 2 Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch.	Delegated Refusal	04.11.2024
23/02355/F	Waverley House, Registrar, Queens Street, Bicester	Demolition of existing building and construction of 33 No apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure	Committee Refusal (Overturn)	23.08.2024

Public Inquiries

4.5. **New Appeals**

Application Number	Location	Description (summary)	LPA Decision:	Start Date

None

4.6. **In Progress/Awaiting Decision**

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	28.11.2024.
23/03428/OUT	Land East of J11 of the M40, (OS Parcel 5616 South West of Huscote Farm and East of Daventry Road, Banbury,	Outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses. Internal roads and footpaths,	Officers Recommendation. Committee.	14.10.2024.

	Oxon, OX17 2FJ	landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.		
--	-------------------	--	--	--

Enforcement Appeals

4.7. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date

None

4.8. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.	Enforcement Notice	10.11.2023 Written Reps
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28.11.2023 Written Reps

20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024 Written Reps
--------------	------------------------------	--	---------------------	----------------------------

Forthcoming Public Inquiries and Hearings between 16 January 2025 and 20 February 2025.

4.9

23/03428/OUT	Land East of J11 of the M40, (OS Parcel 5616 South West of Huscote Farm and East of Daventry Road, Banbury, Oxon, OX17 2FJ	Outline planning application for the construction of up to 140,000 sqm 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. Committee.	Start Letter 14.10.2024 Public Inquiry 4 -21 Feb 2025.
--------------	--	---	--	--

4.10 **Appeals Results**

24/00753/F - 40 Ardley Road Fewcott OX27 7PA

Removal of existing 1m height 'close boarded' timber fencing and replacement with 1.8m height, including gated vehicular entrance (Retrospective).

Appeal Dismissed

The inspector stated that the main issues would be the effect on the character and appearance of the site and area. The inspector concluded that the introduction of a 1.8 metre high close board fence and gates along the front boundary of the appellants' home introduces a stark and unacceptably intrusive feature within the streetscene. Therefore, they appear incongruous and at odds with the character and

appearance of the appeal site and area. The Inspector was not convinced by any precedent other similar gates within the vicinity would set, arguing that they do not represent the overall character and appearance of the area. The Inspector gave only moderate weight to any safety and security benefits arguing that there would be more sympathetic schemes.

On the basis of this assessment, the Inspector dismissed the appeal concluding that the proposed gates unacceptably harm the character and appearance of the site and area.

24/00792/F - 10 Chestnut Close, Chesterton, Bicester, Oxon.

Single storey side and rear extensions to create a 1 no. new dwelling.

The appeal was dismissed.

“The application was for the extension of an existing dwellinghouse to form a new, additional, semi-detached single storey dwelling. It proposed the same physical works as those approved under a previous, extant, permission for a single-storey flat roofed side extension to the existing dwellinghouse, with the addition of the subdivision of the garden and provision of on-site parking for the proposed new dwellinghouse.

The application was refused on the grounds that the scheme would result a cramped form of development that would fail to reflect or reinforce the existing pattern of development in the area, to the detriment of its character and appearance. Two further refusal reasons cited the failure of the scheme to provide adequate private outdoor amenity space or to provide safe parking and access arrangements for all users.

The Inspector concurred with the first refusal reason, finding that the shared characteristics of the existing dwellinghouses on Chestnut Close, in particular their regularity, definition as distinct units, and manner in which they address the street, “*gives a distinctive order and consistency to the street scene*”. These characteristics would not be shared by the proposed dwelling, by virtue of which it “*would depart from the prevailing character...have a cramped appearance*” and “*as a result, the proposal would not reflect the order, consistency or pattern of development on Chestnut Close*”.

The Inspector also upheld the third refusal reason, finding that the scheme would not provide suitable parking arrangements and did not demonstrate that unfettered access to the dwellinghouses – both existing and proposed – could be achieved in the event of an emergency.

In relation to the provision of private outdoor amenity space, the Inspector found that there is an established degree of overlooking of back gardens in the area from high-level windows. Given this, and that the paved sitting out area to the rear of the proposed dwellinghouse would be partially obscured in views from existing first floor windows by the bulk of the proposed new building, the Inspector was satisfied that acceptable living conditions would be provided for future occupiers, in particular with regard to the provision of private outdoor space.”

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Sarah Gevaux, Appeals Administrator Paul Seckington, Head of Development Management
Report Author contact details	Sarah.gevaux@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk