

This report is Public	
Appeals Progress Report	
<b>Committee</b>	Planning Committee
<b>Date of Committee</b>	3 July 2025
<b>Portfolio Holder</b>	Portfolio Holder for Planning and Development, Councillor Jean Conway.
<b>Date Portfolio Holder agreed report</b>	TBC
<b>Corporate Director</b>	Corporate Director of Communities, Ian Boll.
<b>Date Corporate Director agreed report.</b>	TBC
<b>Report of</b>	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
<b>Finance</b>	The current cost of appeals has exceeded core budget as at the end of June. Therefore, a request for use of reserves will be

	<p>necessary. This position will be closely monitored throughout the year but further reserve requests may be necessary. Kelly Wheeler, Finance Business Partner, 16 June 2025</p>			
<b>Legal</b>	<p>As this report is purely for information there are no legal implications arising. Denzil Turbervill, Head of Legal, 16 June 2025</p>			
<b>Risk Management</b>	<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. Julie Miles, Performance Analyst &amp; Developer, 17 June 2025</p>			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		<p>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.</p>
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
<b>Climate &amp; Environmental Impact</b>				Not applicable
<b>ICT &amp; Digital Impact</b>				Not applicable
<b>Data Impact</b>				Not applicable
<b>Procurement &amp; subsidy</b>				Not applicable
<b>Council Priorities</b>	Not applicable			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			

## 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

#### 4.1. Planning Appeals

##### **New Appeals**

4.1.1. We have received four new **Written Representations** appeals:

- An appeal against non-determination of a 'Permission in Principle' application for a single dwelling at 8 Heathfield Cottages
- Two appeals for the refusal of planning permission and advertisement consent for the installation of a 'BT Street Hub unit' in a phone kiosk on Bridge Street Banbury (Delegated Refusal)

- An appeal against the refusal of a retrospective application for an extension at 73 High Street Kidlington (Committee Refusal against officer recommendation)

4.1.2. We have received no new **Informal Hearing** appeals.

4.1.3. We have received no new **Public Inquiry** appeals.

### **In Progress/Awaiting Decision**

4.1.4. We are awaiting the outcome of 13 **Written Representation** appeals, these include:

- 5 are minor residential development (between 1-9 houses) and 1 is for major residential development (114 dwellings)
- There are also 3 certificate of lawfulness applications, 2 householder applications, an application to vary conditions on a planning permission, and a TPO application
- 11 applications where officers refused applications under delegated authority.
- 2 applications where Committee refused applications contrary to officer recommendation

4.1.5. We are awaiting the outcome of 2 **Informal Hearing** appeals, namely:

- An application for minor residential development (9 dwellings) at Hempton. This application was originally refused under delegated powers and dismissed at appeal. However the applicants won a judicial review against the dismissal requiring the hearing to have to be heard again.
- An application for a Solar Farm at Noke that Committee refused contrary to officer recommendation

4.1.6. We are awaiting the outcome of 4 **Public Inquiry** appeals, namely:

- Major commercial application for XXXXsqm of storage and distribution warehouses at J11 of the M40 Banbury
- Major residential development at Caversfield (99 houses), which was a Committee refusal following officer recommendation
- Two duplicate applications for major residential development (60 houses) at Bloxham that were both refused by Committee in line with officer recommendation. One of the applications was dismissed at

appeal, but subsequently quashed following the applicants challenging the decision by Judicial Review. A new public inquiry is taking place covering both appeals.

4.1.7. Details of all the planning appeals can be found at Appendix 1

#### 4.2. **Enforcement Appeals**

##### **New Appeals**

4.2.1 We have received one new appeal, namely:

- An appeal against an Enforcement Notice regarding the Erection of a large building for scaffolding and portacabins without planning permission at Heathfield

##### **In Progress/Awaiting Decision**

4.2.2 There are four **enforcement** appeals awaiting a decision, namely:

- All four appeals relate to Enforcement Notices
- Three of the appeals are being dealt with under the written representations procedure, and all are householder development at Swalcliffe, Duns Tew and Kidlington
- One appeal is being dealt with as a public inquiry regarding the expansion of a site into open countryside at Kidlington

4.2.3 Details of all the planning appeals can be found at Appendix 2

#### 4.3. **Forthcoming Public Inquiries and Hearings between 3 July 2025, and 31 July 2025.**

4.3.1 There are no public inquiries or hearings taking place between 3 July and 31 July

#### 4.4. **Appellants Award of Costs Application to the Planning Inspectorate.**

4.4.1 No Appeal decisions this month have been subject to a Costs Decision

#### 4.5. **Appeals Results**

4.5.1 **24/01391/F – 82 High Street, Banbury, Oxon, OX16 5JG.**

Change of use for the ground floor existing charity shop (Class E1) to a tanning salon (sui generis)

### **Appeal Allowed**

The Inspector concluded that while the proposed tanning salon conflicted with local planning policy restricting ground floor uses in Banbury's primary shopping frontage, the prolonged vacancy of the unit and wider retail decline in the area meant the change of use would likely enhance the town centre's vitality and viability. The proposal would bring a vacant unit back into use, attract footfall, and maintain active frontages without harming the character of the listed building or conservation area. As such, the benefits were found to outweigh the policy conflict, and the appeal was allowed.

#### **4.5.2 22/01293/F – Land at Manor View, 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.

### **Appeal Allowed**

The Inspector allowed a temporary planning appeal for the creation of two Gypsy/Traveller pitches at Land at Manor View, Hampton Poyle, despite the development being inappropriate in the Green Belt. While the Council demonstrated a five-year supply of traveller sites, the Inspector found no currently available alternative sites and acknowledged a policy failure to allocate suitable land. The proposal's limited impact on openness and character, the lack of viable alternatives, and the significant weight given to the personal circumstances and best interests of the children involved amounted to very special circumstances. As a result, a two-year temporary permission was granted, subject to conditions.

#### **4.5.3 24/01740/DISC – Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon.**

Discharge of Condition 3 (construction details) of 24/00512/LB

### **Appeal Allowed**

The Inspector allowed the appeal concerning the discharge of a condition related to listed building consent for Fir Cottage, a Grade II listed building in Steeple Aston Conservation Area. Although the proposed composite part-glazed stable door differed from the more traditional solid timber door shown in the approved plans, the Inspector found that the rear elevation—already altered with modern UPVC windows and materials—meant the new door would have a neutral effect on the building's significance. As such, the proposal preserved the special architectural interest of the listed building and

the character of the conservation area, complying with local and national heritage policies.

**4.5.4 24/02259/F – 28 Buckhurst Close, Banbury, Oxon, OX16 1JT**

RETROSPECTIVE - Single storey shed to rear garden

**Appeal Dismissed**

The Inspector dismissed the appeal for a proposed single-storey storage shed at 28 Buckhurst Close, Banbury, finding that although modest in scale, its bulky form, industrial black steel cladding, and prominent siting made it an overly dominant and incongruous feature in the street scene. The shed was deemed harmful to the character and appearance of the area, particularly given the estate's coherent residential design and the visibility of the rear elevation from the public realm. The proposal conflicted with local planning policies aimed at maintaining high design standards and local character, and no overriding justification was found.

**4.5.5 24/02261/F – 29 Buckhurst Close, Banbury, Oxon, OX16 1JT.**

RETROSPECTIVE - Erection of a wooden shed on 10cm concrete base to the rear of garden.

**Appeal Dismissed.**

The Inspector dismissed the appeal for a proposed wooden shed at the rear of 29 Buckhurst Close, finding that despite its modest scale, the shed's box-like form and visibility above the boundary wall made it an unsympathetic and overly prominent feature in the street scene. Given the property's unusually exposed position on three sides, the shed was considered harmful to the coherent and open character of the estate. The proposal conflicted with local planning policies aimed at maintaining high design standards and was not justified by the appellant's storage needs.

**4.5.6 24/02403/F – 2 Meadow Walk, Heathfield, Blatchington, OX5 3FG.**

Dormer extension to rear roofslope and rooflights to rear roofslope to facilitate conversion of loft to habitable accommodation

**Appeal Dismissed**

The Inspector dismissed the appeal for a proposed rear dormer extension and rooflights to facilitate a loft conversion, finding that the flat-roof dormer's large scale and unsympathetic design would significantly harm the traditional character of the former stable block and its rural courtyard setting. Despite the appellant's claim that visibility would be limited due to nearby development, the Inspector noted that the dormer would still be visible from private access

routes and that good design must respect the host building regardless of visibility. The proposal was found to conflict with local planning policies aimed at preserving rural character and high-quality design.

**4.5.7 23/02071/F – Land to Rear of Wheelwright Cottage, Main Street, North Newington, OX15 6AG.**

New build dwelling.

**Appeal Allowed**

The Inspector allowed the appeal for a single-storey new build dwelling, concluding that the proposal would not harm the character or appearance of the North Newington Conservation Area, nor the setting of nearby listed buildings. The development was deemed acceptable in terms of its design, location within the village, and impact on neighbouring amenity and highway safety. Although concerns were raised about vehicular access over a public right of way, this was considered a legal matter outside the planning remit. The Inspector imposed a comprehensive set of conditions to manage construction, design quality, landscaping, and neighbour privacy, ensuring the development would integrate appropriately into its sensitive rural and historic context.

**4.5.8 24/00658/CLUE - Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.**

Free-standing garden room in the grounds, to serve existing household.

**Appeal Dismissed**

The Inspector dismissed the appeal for a Certificate of Lawful Use or Development at The Log Cabin, Bainton, concluding that the structure—comprising a mobile home and a lean-to—did not constitute a single building and that the mobile home's residential use had not been continuous for the required ten-year period to be lawful. Although the lean-to was found to be immune from enforcement due to its permanence and time on site, the mobile home had a two-year gap in continuous residential use between 2018 and 2020, which reset the immunity clock. As a result, the use of the structure as a dwellinghouse was not lawful at the time of the application, and the appeal was therefore rightly refused by the Council.

**4.5.9 24/01193/F – Fullers Farm, North Street, Fritwell, Bicester, Oxon, OX27 7QJ**

RETROSPECTIVE - Change of Use of existing office (Unit 1) and ancillary accommodation (Unit 2) to separate dwellings.



### **Appeal Dismissed**

The Inspector concluded that while the proposed development at Fullers Farm would have a neutral impact on the character and appearance of the Fritwell Conservation Area, it would significantly harm the privacy of both existing and future occupiers due to the inward-facing layout and lack of private outdoor space. Despite the site's sustainable location and potential to offer affordable housing, these benefits did not outweigh the identified harm to residential amenity. Consequently, the appeal was dismissed.

#### **4.5.10 21/02028/F – The Coach House, Hanwell Castle, Nr Banbury, Oxon, OX17 1HN.**

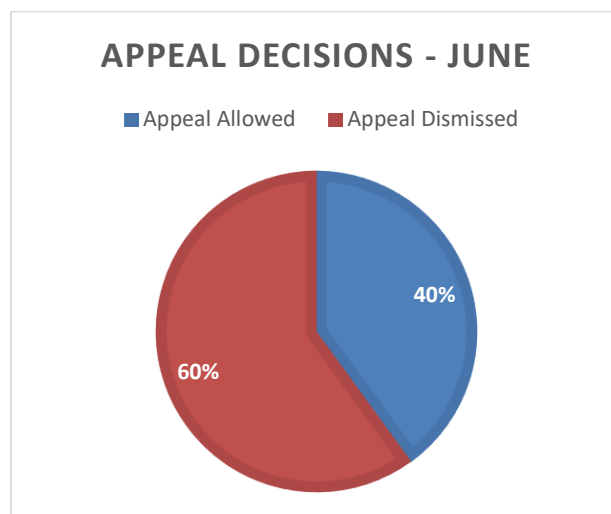
Free-standing garden room in the grounds, to serve existing household

### **Appeal Dismissed**

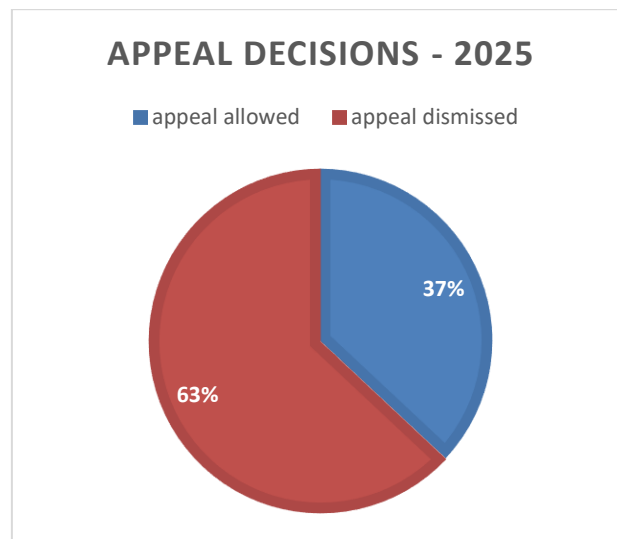
The Inspector concluded that the proposed garden room, due to its substantial size, formal design, and proximity to the Grade II\* listed Hanwell Castle, would cause less than substantial harm to the significance of the listed building and the character and appearance of the Hanwell Conservation Area. Despite some screening from vegetation and the appellant's intentions for cultural and educational use, the structure would appear as an incongruous and prominent addition to the historic setting. The public benefits cited were not considered sufficient to outweigh the heritage harm, and the proposal was found to conflict with both local planning policy and national heritage protection guidance, leading to the dismissal of the appeal.

### **Appeal Decision Data**

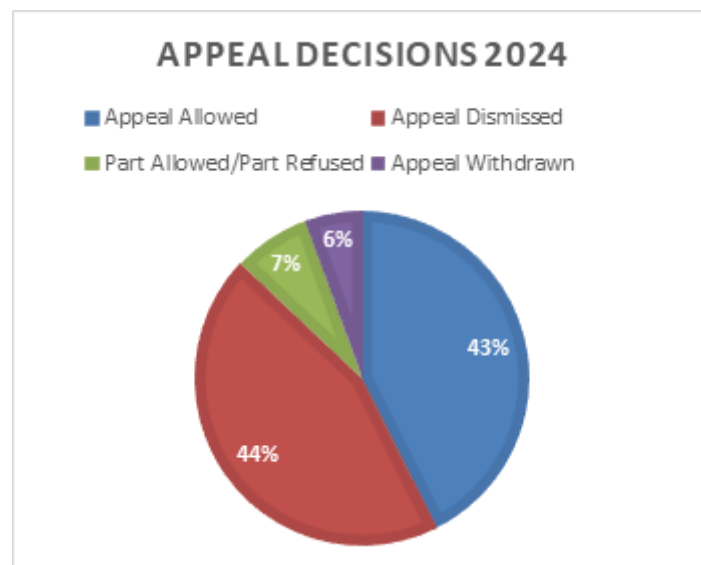
4.5.11 Since last month's appeals report we have received 10 appeal decisions. 6 were dismissed, 4 were allowed.



4.5.12 So far in 2025 there have been 35 appeal decisions, 13 allowed and 22 dismissed



4.5.13 In 2024 there were 54 appeal decisions, 23 allowed, 24 dismissed, 4 split decisions and 3 withdrawn



4.5.14 The above data shows that the proportion of appeals being allowed is decreasing.

## 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

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

### Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Planning Appeals
<b>Appendix 2</b>	Enforcement Appeals
<b>Background Papers</b>	None
<b>Reference Papers</b>	All documents in respect of the planning appeal
<b>Report Author</b>	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
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