

Cherwell District Council

Planning Committee

13 July 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

- 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 **22/02000/TEL56 – Area of Grass Verge, Peregrine Way, Langford Village, Bicester, Oxon, OX26 6XB.**

Proposed 5G telecoms installation: 16m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representations
Start Date: 06.06.2023.
Appeal reference: 23/00075/REF

- 3.2 **22/02773/F – 4 Manor Road, Fringford Bicester, OX27 8DH.**

First floor extension above existing lounge; extension to rear of existing garage to provide utility/workshop space with home-working office above and link to main house. New pedestrian access gate to front. PV panels to new south facing roof. New external boiler, oil tank and rainwater harvesting tank.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Householder Appeal (HAS)
Start Date: 15.06.2023.
Appeal Reference: 23/00076/REF

3.3 **22/03716/F – Jackdaw, Horton-Cum-Studley, Oxford, OX33 1AY.**

Erection of a close boarded timber fence on western boundary (Retrospective)

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00077/REF

3.4 **22/02637/F – Chapel Cottage, Wroxton Lane, Horley, Banbury, OX15 6BD.**

Single-storey rear extension, removal of an existing door to create opening and removal of the window, and cut down of wall to FFL. (resubmission of 21/02720/F)

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00078/REF

3.5 **23/00519/F – 44 Shearwater Drive, Bicester, OX26 6YS.**

Extension to domestic dwelling – extend at the rear and side of property to create open plan kitchen and orangery to the ground floor and additional two bedrooms to the first floor above the garage.

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00079/REF

3.6 **23/00150/CLUE – Unit 22 Beaumont Close, Banbury, Oxon, OX16 1SH.**

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)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00080/REF

3.7 **21/01561/F - Allotment Gardens West Of Roebuck Inn And South East Of The Blinking Owl Ph, Banbury Road, North Newington, OX15 6AB**

Erection of one detached dwelling and detached garage

Officers Recommendation: Refusal (Committee)
Method of Determination: Written Representation.
Start Date: 19.06.2023.

Appeal Reference: 23/00084/REF

3.8 **23/00149/F – 3 Byron Way, Bicester, Oxon, OX26 2YP**

Single Storey Detached Garage.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 16.06.2023.
Appeal Reference: 23/00063/REF

3.9 **22/02832/TEL56 - Telecommunications Cabinet CWL18723 H3G Network, The Hale Chesterton.**

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

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 22.06.2023.
Appeals Reference: 23/00085/REF.

3.10 **22/00998/REF - Land North East Of Fringford Study Centre Adjoining Rectory Lane, Fringford.**

Erection of a 4-bedroom detached dwelling with garage and access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Written Representation.
Start Date: 27.06.2023.
Appeal Reference: 23/00086/REF.

New Enforcement Appeals

None

Appeals in Progress

3.11 **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

3.12 **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

3.13 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

3.14 21/01630/OUT – Firethorne Development Ltd - Land at Northwest Bicester. Home Farm, Lower Farm and SGR2 Caversfield.

Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination.

Officer Recommendation: Refusal.
Method of determination: Inquiry.
Start Date: 16.02.2023.
Appeal Reference Number: 23/00062/NON

3.15 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.
Appeal Reference: 23/00065/REF

3.16 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.

- 3.17 **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
- 3.18 **22/01645/OUT – Part of OS Parcel 01621, Fulwell Road, Finmere, MK18 4AS**
- Outline application for the erection of 5 dwellings with all matters reserved except for the principal means of access to Fulwell Road.
- Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 2/.03.2023.
Appeal Reference: 23/00068/REF
- 3.19 **22/01696/LB – Rectory Farmhouse, Back Lane, Epwell, Banbury, OX15 6LG**
- Insertion of a dormer window to roof of existing lean-to extension to rear of listed farmhouse.
- Officers Recommendation: Refusal
Method of Determination: Written Representation.
Start Date: 20.04.2023.
Appeal Reference: 23/00070/REF
- 3.20 **22/02133/F – 18 Fairford Way, Bicester, OX26 4YG**
- RETROSPECTIVE – Replacement of 7FT high, 5FT wide conifer hedge with 3 fence panels with concrete posts.
- Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 26.04.2023.
Appeal Reference: 23/0007/REF
- 3.21 **22/02403/F – 19 Fairford Way, Bicester, Oxon, OX26 4YG.**
- RETROSPECTIVE - Change of Use from amenity land to domestic garden and erection of fence along the boundary line adjacent to footpath.
- Officers Recommendation: Refusal.
Method of Determination: Written Representation.
Start Date: 18.05.2023.
Appeal Reference: 23/00073/REF

3.22 **22/02969/F – Attock House, Church Lane, Horton-Cum-Studley, Oxford, OX33 1AW.**

Ground floor extension to the rear with a green roof and roof light.

Officers Recommendation: Refusal.

Method of Determination: Written Representation (Fast Track)

Start Date: 18. 05.2023.

Appeal Reference: 23/00074/REF

Forth Coming Public Inquiries and Hearings between 18 June 2023 and 15 July 2023

3.23 None

Appeal Results

3.24 **20/02192/LB – The Planning Inspector ALLOWED the appeal by Mr F Speir for 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 at Manor Farm, Station Road, Hook Norton, OX15 5LS**

Officer Recommendation: Refused (Delegated)

Method of determination: Hearing – 18th/19th May 2022

Start Date: 30.11.2021.

Appeal reference: 21/00037/REF

Inspectors Summary Below.

3.25 **20/02193/F – The Planning Inspector ALLOWED the appeal by Mr F Speir for 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 at Manor Farm, Station Road, Hook Norton, OX15 5LS**

Officer Recommendation: Refused (Delegated)

Method of determination: Hearing – 18th/19th May 2022

Start Date: 30.11.2021.

Appeal reference: 21/00036/REF

The Inspector noted that since the Council's decisions the stone barn east of the farmhouse, late 18th century in origin, had been taken down without consent and that applications had been approved for repairs and alterations to the building along with works to the barns south of the farmyard. The Inspector noted that certain works to the farmhouse had also been approved.

The Inspector noted that the appeals had been supported by a full set of amended drawings that did not form part of the original applications. Having regard to the Wheatcroft principles, the Inspector noted that the appeal process should not be used to progress alternatives to a scheme that has been refused. The Inspector noted that various changes had been made to the proposals, predominantly to exclude elements of the original proposals. Overall, the Inspector was satisfied that interested parties would not be prejudiced if the appeals were determined in relation

to the amended drawings.

The Appellant was represented at the hearing by Counsel including a KC.

The Inspector considered the main issues to be whether the proposal would preserve the Grade II listed building, 'Manor Farmhouse', and any of the features of special architectural or historic interest that it possesses, including its setting; and in respect of the planning appeal, the effect of the proposal on bats.

The Inspector noted that the simple architectural form and appearance of the buildings that remain is typical of the local vernacular for historic agricultural buildings and that the layout of the buildings also provide evidence of a regular courtyard farmstead characteristic of a medium size holding in the Cotswolds.

The Inspector found that the farmhouse, which draws special interest from other aspects of its setting, including its outlook to and relationship with its enclosed garden and the expanse and open nature of the large yard between the farm buildings east and south, is clearly distinguishable from the farm buildings and yard as it is separated from it.

The Inspector highlighted the importance of the relationship of farm buildings with the farmhouse but held that the proposed link would not compromise the legibility of the individual roles of the farmhouse and the former granary or their grouping and relationship with the space around them. The Inspector concluded it would be a sensitive and discreet response and would limit alteration of the plan form of each of the buildings. He noted that the eastern entrance to the Farmhouse and the southern façade of the northeast wing would continue to be obscured by the link extension but deemed this to be acceptable. He also noted that the proposed link extension would project into the yard but deemed this also to be acceptable. Part of the Inspector's justification for the link extension was that the kitchen is currently separated from the remainder of the house, whereas it is proposed to be repurposed as a utility.

The Inspector concluded the proposals to the attic space of the farmhouse to be acceptable, as were the proposed alterations to the farmyard, the proposed flooring and services, and the various new openings and other alterations proposed. The Inspector noted that there was agreement or common ground between the Appellant and the Council on the majority of these.

The Inspector concluded that suitable mitigation would be in place to serve the appeal scheme to ensure that the proposal would not have a harmful effect on bats known to roost within the buildings within the site.

Subject to various conditions which were agreed between the parties, the Inspector accordingly allowed the appeals.

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:

Kelly Wheeler-Finance Business Partner, 01295 221570

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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 Deputy 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

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7.3 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

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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 Dan Samed, Portfolio Holder for Planning

Document Information

Appendix Number and Title

None

Background papers

None

Report Author and contact details.

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