

Cherwell District Council

Planning Committee

7 September 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 **22/02104/F - Land to The Rear of No.12 And South of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ.**

Erection of 35 two storey dwelling houses, construction of access off Rye Hill, together with garaging, parking, open space with LAP, landscaping and all enabling works.

Officers Recommendation: Refusal (Committee)

Method of Determination: Hearing. (1 Day)

Hearing Date: 18/10/2023.

Application Reference: 22/02104/F

Appeal Reference: 23/00088/REF

Start Date: 08.08.2023.

- 3.2 **21/04289/OUT - OS Parcel 1570 Adjoining and West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park.**

Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Inquiry (5 Day)
Hearing Date: 05/12/2023.
Application Reference: 21/04289/OUT
Appeal Reference: 23/00089/REF
Start Date: 14.08.2023.

New Enforcement Appeals

3.3 None

Appeals in Progress

3.4 **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: 09.02.2023.
Appeal Reference Number: 23/00061/ENF

3.5 **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

3.6 **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

3.7 **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

3.8. 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

3.9 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

3.10 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

3.11 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

3.12 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

3.13 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

3.14 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

3.15 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

3.16 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

3.17 22/03215/PIP – Land West of School Lane & Foxden Way, Great Bourton, Bourton.

Application for permission in principle for the proposed development of 4-5 bungalows

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 16.06.2023.
Appeal Reference: 23/00082/REF.

3.18 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

3.19 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

3.20 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.

3.21 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.

3.22 22/01980/F - The Paddock, Main Street, Great Bourton, Oxfordshire, OX17 1QL

Change of Use of land to mixed use for keeping of horses (existing) and as a residential caravan site for 3 gypsy/traveller families, each with a static caravan/mobile home, together with storage of touring caravan and laying of additional hardstanding.

Officer recommendation: Refusal.
Method of determination: Hearing.
Hearing Date: 03.10. 2023.
Hearing Venue: Council Chambers, Bodicote House.
Start Date:05.04.2023.
Appeal Reference: 23/00079/REF

3.23 22/03741/F – Land Adj to Wise Crescent, Opposite The Laurels, Fringford, Oxon, OX27 8DZ.

Erection of 6 one and a half and two storey dwellings, with the construction of new access and footpath, together with carports, parking, landscaping and all enabling works

Officers Recommendation: Refusal (Delegated)

Application Reference: 22/03741/F

Appeal Reference: 23/00087/REF

Start Date: 11.07.2023.

3.24 **20/00236/ENF - Ambrosden Post Office and Newsagents, Post Office, Merton Road, Ambrosden, Bicester, OX25 2LX.**

Breach of Condition 8 - 01/00694/F – Parking.

Officers Recommendation: Enforcement Notice.

Method of Determination: Written Representation.

Start Date: 13th September 2022

Appeal Reference: 22/00043ENF

Forthcoming Public Inquiries and Hearings between 7 September 2023 and 5 October 2023.

3.25 **22/01980/F - The Paddock, Main Street, Great Bourton, Oxfordshire, OX17 1QL**

Change of Use of land to mixed use for keeping of horses (existing) and as a residential caravan site for 3 gypsy/traveller families, each with a static caravan/mobile home, together with storage of touring caravan and laying of additional hardstanding.

Officer recommendation: Refusal.

Method of determination: Hearing. (1 Day)

Hearing Date: 03.10. 2023.

Hearing Venue: Council Chambers, Bodicote House.

Start Date: 05.04.2023.

Appeal Reference: 23/00079/REF

Appeal Results

3.26 **22/00173/CLUP – The Planning Inspector DISMISSED the Appeal by Mrs Victoria Richardson for a Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services at 15 Arncott Road, Piddington, OX25 1PS.**

Officer recommendation: Refused (Delegated)

Method of determination: Written Representations

Start Date: 05.05.2022.

Appeal reference: 22/00023/REF

The Inspector considered that the main issue was whether the Council's decision to refuse to issue an LDC was well-founded. This turns on whether the workshop/log cabin building ("the building") would benefit from the planning permission granted by Article 3(1) and Class

E, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”), referred to as “permitted development”.

The single point of dispute was whether the proposed outbuilding would meet the requirement of E(a); that it would be “*required for a purpose incidental to the enjoyment of the dwellinghouse as such*”.

In this case, if the proposed use of the building was for the sole benefit of a dog belonging to the occupier of the property, only then might it be considered to be an ancillary or incidental use, however, for the property to be used for a dog grooming business, this is not the case.

In such circumstances, the use cannot be said to be ancillary or incidental to the main residential activity since it is not functionally linked to that residential use, nor does it form an ordinary part of it.

For the reasons given above it is concluded that the Council’s refusal to grant a certificate of lawful use or development in respect of the use of the proposed building as a dog grooming service was well-founded.

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

Kelly.wheeler@cherwell-dc.go.uk

7.2 Legal Implications

As this report is purely for information there are no legal implications arising from it.

Comments checked by:

Shiraz Sheikh, Assistant Director of Law and Governance and Democratic Services and Monitoring Officer

shiraz.sheikh@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

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

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 Daniel Sames, Portfolio Holder for Planning

Document Information

Appendix Number and Title

None

Background papers

None

Report Author and contact details.

Sarah Gevaux, Appeals Administrator, sarah.gevaux@cherwell-DC.gov.uk

Paul Seckington, Head of Development Management paul.seckington@cherwell-gov.uk