

Cherwell District Council

Planning Committee

2 November 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 **23/0086/FULL – 67 Oxford Road, Banbury, Oxon, OX16 9AJ**

Conversion from 10-bed HMO to 12-bed HMO (Sui Generis) (Resubmission of 23/00120/F)

Confirmation of Valid Appeal by PINS. Awaiting Start Letter.

- 3.2 **23/00676/F – 12 Mill Close, Charlton on Otmoor, Kidlington, OX5 2UE.**

Remove rear conservatory and outbuilding. Remove concrete garage, timber shed and greenhouses. Construct new two storey side and rear extension, with lean-to single storey infill to rear.

Officers Recommendation: Refused (Delegated)

Method of Determination: Written Representation.

Start Date: 20.09.2023.
Appeal Reference: 23/00093/REF

3.3 22/03698/TEL – Area of Grass Verge, Austins Way, Hook Norton.

5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Start Date: 20.09.2023.
Appeal Reference: 23/00094/REF

3.4 23/000176/F – 1 School Paddock, Bucknell, OX27 7LR.

Variation of Condition 2 (plans) of 21/03977/F - minor alteration to position of the garage, small increase in width, modest increase in ridge height.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 21.09.2023.
Appeal Reference: 23/00095/REF

3.5 23/00065/OUT – Land North of Ells Lane, Bloxham, Banbury, Oxon.

Outline planning permission for up to 30 dwellings including access off Ells Lane and demolition of the existing stabling on site - All Matters Reserved except for access.

Officers Recommendation: Refusal (Committee)
Method of Determination: 1 Day Hearing.
Start Date: 02.10.2023.
Appeal Reference: 23/00097/REF

3.6 23/00987/F – 67 The Fairway, Banbury, Oxon, OX16 0RR.

Single Storey Rear Extension.
Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation (HAS)
Start Date: 03.10.2023.
Appeal Reference: 23/00098/REF

New Enforcement Appeals

3.7 None

Appeals in Progress

3.8 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.

3.9 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.

3.10 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

3.11 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

3.12 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

3.13 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

3.14 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 23/00150/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

3.16 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

3.17 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.

3.18 22/00998/F - 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

3.19 22/01980/F - The Paddock, Main Street, Great Bourton, Oxfordshire, OX17 1

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

3.20 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)
Method of determination: Hearing
Hearing Date: 25.10.2023
Hearing Venue: Council Chambers, Bodicote House
Application Reference: 22/03741/F
Appeal Reference: 23/00087/REF
Start Date: 11.07.2023.

3.21 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

3.22 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

3.23 23/00662/F - The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ

RETROSPECTIVE - Change of Use of public house (Sui Generis) to hotel/bed and breakfast (Class C1)

Officers Recommendations: (Application did not pass Validation)
Method of Determination: Written Representations
Appeal against non-determination
Start Date: 13/09/2023.
Appeal reference: 23/00092/NON

3.24 22/03802/OUT - Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way, Hempton Road, Hempton.

Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Hearing (1 Day)
Hearing Date: 14/11/2023.
Hearing Venue: Council Chambers.
Planning Reference: 22/03802/OUT
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

3.25 22/02866/OUT – Land East of Ploughley Road, Ambrosden.

OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

Officers Recommendation: Refusal (Committee)
Method of Determination: Inquiry (5Days)
Hearing Date: 21/11/2023.
Hearing Venue: Council Chambers.
Planning Reference: 22/02866/OUT
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

Forthcoming Public Inquiries and Hearings between 2 November 2023 and 7 December 2023.

3.26 22/03802/OUT - Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way, Hempton Road, Hempton.

Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Hearing (1 Day)
Hearing Date: 14/11/2023.
Hearing Venue: Council Chambers.
Planning Reference: 22/03802/OUT
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

3.27 22/02866/OUT – Land East of Ploughley Road, Ambrosden.

OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space,

biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

Officers Recommendation: Refusal (Committee)

Method of Determination: Inquiry (5Days)

Hearing Date: 21/11/2023.

Hearing Venue: Council Chambers.

Planning Reference: 22/02866/OUT

Appeal Reference: 23/00091/REF

Start Date: 22/08/2023.

3.28 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.

Appeal Results

3.29 22/01696/LB – The Planning Inspector dismissed the appeal by Mr Andrew Mackersie for the Insertion of a dormer window to roof of existing lean-to extension to rear of listed farmhouse at 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

The appeal inspector agreed with the Council that the dormer window would lead to the loss of historic fabric, including the bulk of the structure on the appearance of the Listed Building would result in a less than substantial harm. The inspector concluded that the public benefits would not outweigh the harm, and therefore the appeal was dismissed.

3.30 21/01561/F – The Planning Inspector Dismissed the Appeal by Mr Christopher McNally for the erection of one detached dwelling and detached garage at the 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

The application proposed the erection of a detached dwelling and garage and was taken to committee with a recommendation of approval. Members overturned the recommendation and refused on highway safety and access grounds as well as impact on the character and appearance of the conservation area and impact on nearby listed buildings.

The council successfully defended refusal reason two relating to character and appearance of the area and impact on heritage assets with the inspectorate stating that the elevated positioning of the proposed dwelling would result in a high level of residual harm to the setting and significance of the listed building without sufficient public benefits to outweigh this harm and would fail to preserve or enhance the significance of the conservation area.

Given the lack of a local highways authority objection the inspectorate concluded that the development would not result in significant harm to the safety of the local highway network and would not warrant a refusal on this basis.

The appeal was dismissed.

3.31 23/00149/F – The Planning Inspector Dismissed the appeal by Mr Peter Osbourne for the erection of a single storey detached garage at 3 Byron Way, Bicester, Oxon, OX26 2YP.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representation.

Start Date: 16.06.2023.

Appeal Reference: 23/00063/REF

Appeal by 3 Byron Way against the decision by Cherwell District Council to refuse planning permission for the erection of a single storey detached garage. The main issue in respect of this appeal raised by the CDC was the impact on the character of the area, specifically “the development would result in a visually incongruous form of development that would detract from the character and appearance of the street scene”. The inspector acknowledged the large open front gardens, and the site being set back from the road however, agreed with Case Officer that the development would be a visually incongruous addition that would detract from the character and appearance of the street scene. Further detailing that ‘the development in front gardens areas is not a common feature, garage would be prominent and appear as an alien and incongruous feature in street scene thus conflicting with the provisions of the Development Plan and with The Framework’.

3.32 23/00519/F – The Planning Inspector Dismissed the appeal by Mr Paul Leverton for an extension to a 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 at 44 Shearwater Drive, Bicester, Oxon, OX26 6YS.

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

Appeal by 44 Shearwater Drive against the decision by Cherwell District Council to refuse planning permission for the first floor side extension and single storey ground floor extension. The main issue in respect of this appeal raised by CDC was the impact on the character of the area, specifically “development fails to show subservience to the existing dwelling and would fail to sympathetically integrate into existing built environment or reinforce local distinctiveness”. The report further criticised the side extension extending beyond the front elevation of the main dwelling. The inspector acknowledged many first-floor side extensions in the area, however appellant noted similar structures the inspector dismissed these references as they were not comparable by virtue of their design, location and/or position. Regarding the application site the inspector stated ‘the dwelling would project out in front of the main part of the dwelling, and it would also project in front of the neighbouring dwellings. Thus, appearing unduly prominent and incongruous in the street scene and would conflict with the provisions of the Development Plan and The Framework’ the appeal has therefore been dismissed.

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, Legal Services Manager and Deputy 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 Dan Sames, Portfolio Holder for Planning

Document Information

Appendix number and title

None

Background papers

None

Report Author and contact details

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