

This report is Public.

Appeals Progress Report

Committee	Planning Committee
Date of Committee	5 September 2024
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	19 August 2024
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. The spend to date on appeals is £0.327m against a budget provision of £0.100m. This has meant that alternative sources of funding to defend further appeals will need to be identified including the call on the appeals reserve will be necessary for mitigation.

	Kelly Wheeler, Finance Business Partner, 23 August 2024			
Legal	As this report is purely for information there are no legal implications arising; the report will assist Legal in assessing the need for provision of the appropriate level of support. Shahin Ismail, Interim Head of Legal Services, 27 August.2024			
Risk Management	This is an information report where no recommended action is proposed. However, as per the financial comments, 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, this risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary. Celia Prado-Teeling, Performance Team Leader, 23 August 2024			
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
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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

New Appeals

- 4.1 23/03376/F – 5 Mill Lane, Adderbury, Banbury, OX17 3LP.

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).

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representation (Fast Track)

Appeal Reference: 24/00025/REF.

Start Date: 17.07.2024.

- 4.2 24/00620/F – 7 Launton Road, Bicester, Oxon, OX26 6PX.

Demolition of existing detached garage and erection of new 2-bedroom dwelling. Existing 3-bedroom dwelling to be retained.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00026/REF.
Start Date: 19.07.2024.

4.3 24/00792/F – 10 Chestnut Close, Chesterton, Bicester, OXON, OX26 1XD.

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

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00027/REF
Start Date: 30.07.2024.

4.4 23/02071/F – Land to Rear of Wheelright Cottage, Main Street, North Newington, OX15 6AG.

New Build Dwelling.

Officers Recommendation: Refusal (Committee)
Method of Determination: Written Representation.
Appeal Reference: 24/00028/REF
Start Date: 31.07.2024.

4.5 23/03109/F – Land Adj to 20 Almond Road, Bicester, OX26 2HT.

Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation:
Appeal Reference: 24/00029/REF.
Start Date: 31.07.2024.

4.6 23/02865/F – Slatters Barn, Epwell Road, Shutford, Banbury, OX15 6HE.

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.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00024/F
Start Date: 01.08.2024.

4.7 24/005421/F – 1 St Peters Crescent, Bicester, Oxon, OX26 4XA.

Proposed detached two storey dwelling and two number car spaces.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00031/F
Start Date: 07.08.2024.

New Enforcement Appeals

None

Appeals in Progress

- 4.8 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.
Appeal Reference: 23/00089/REF
Start Date: 14.08.2023.

- 4.9 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
Appeal Reference Number: 23/00061/ENF
Start Date: 09.002.2023.

- 4.10 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
Appeal Reference Number: 23/00060/ENF
Start Date: 09.02.2023.

- 4.11 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.
Appeal Reference: 23/00080/REF
Start Date: 15.06.2023.

- 4.12 21/00333/ENF – Fairway Cottage, Main Road, Swalcliffe, Banbury, Oxon, OX15 5HB.

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'.

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representation.
Appeal Reference: 23/000104/ENF
Start Date: 10.11.2023.

- 4.13 19/02554/DISC – The Unicorn, 20 Market Place, OX16 5JL.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)
Method of Determination: 1 Day Hearing.
Hearing Date: 20.08.2024.
Appeal Reference: 23/000111/REF
Start Date: 07.12.2023.

- 4.14 19/02553/DISC – The Unicorn, 20 Market Place, Banbury, OX16 5LJ.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations
Appeal Reference: 23/00114/REF
Start Date: 07.12.2023.

- 4.15 23/00001/ENF – Ashberry Cottage, Duns Tew, Bicester, OX25 6JS.

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)

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representation.
Appeal Reference: 23/00108/ENF.
Start Date: 28.11.2023.

4.16 23/01265/OUT – OS Parcel 0078 North West of Quarry Close, Bloxham, Banbury.

Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry.
Hearing Date: 08.10.2024. 4 Days.
Appeal Reference: 24/0005/REF.
Start Date: 07.03.2024.

4.17 20/00295/ENF - 16 Almond Avenue, Kidlington, OX5 1EN.

Garage/Garden building converted to residential premises.

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representation.
Appeal Reference: 24/00007/REF
Start Date: 13.03.2024.

4.18 22/02455/OUT – Land West of Church Ley Field, Adj to Blackthorn Road, Ambrosden, OX25 2DH.

Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Hearing.
Hearing Date: 26.06.2024
Appeal Reference: 24/00010/REF
Start Date: 19.03.2024.

4.19 23/02470/F – Offside the Green, Barford St Michael, Banbury, Oxon, OX15 0RN.

Erection of a 2-bedroom bungalow on vacant plot

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00011/REF

Start Date: 08.04.2024.

- 4.20 23/00020/F – Part OS Parcels 0700 and 2800, NE of Godlington Hall, Street Through Godlington, Godlington, Bicester, Oxon, OX27 9AE.

Change of Use of agricultural building to car storage falling within Use Class B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.

Appeal Reference: 24/00012/REF
Start Date: 12.04.2024.

- 4.21 22/03245/F – Apollo Office Park, Ironstone Lane, Wroxton, Oxon, OX15 6AY.

Provision of 10 employment units (Office, Research and Development and Light Industry), associated car parking, landscaping/biodiversity enhancements/works and provision of foul water treatment plant - re-submission of 22/00928/F.

Officers Recommendation: Refusal (Delegated).
Method of Determination: Written Representation.

Appeal Reference: 24/00013/REF
Start Date: 16.04.2024.

- 4.22 23/03078/CLUP – Manor Cottage, Middleton Park, Middleton Stoney, Bicester, OX25 4AQ.

Certificate of Lawfulness of Proposed Development:
Repositioning of existing "tarmac" driveway with a gravel driveway.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.

Appeal Reference: 24/00015/REF
Start Date: 23.04.2024.

- 4.23 23/02346/F – Birdhouse, 43 Lapsley Drive, Banbury, Oxon, OX16 1EN.

Demolish conservatory. Single storey rear extension on footprint of existing conservatory. New door to existing side elevation (revised scheme of 23/00257/F)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.

Appeal Reference: 24/00017/REF.
Start Date: 15.05.2024.

- 4.24 23/01960/PIP – Barn Farm Plants Garden Centre, Thorpe Road, Wardington, Banbury, OX17 1SN.

To develop the site for 7-9 dwellings with associated access, parking and amenity space.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00018/REF
Start Date: 06/06/2024.

4.25 24/00698/PIP – 81 North Street, Fritwell, Bicester, OX27 7QR.

Permission in Principle - proposed 7-9 dwellings.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00020/F.
Start Date: 27.06.2024.

4.26 21/02058/FUL – Shelswell Inn, Buckingham Road, Newton Purcell, MK18 4AU.

Erection of Barns.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00022/REF.
Start Date: 02.07.2024.

4.27 23/02772/PIP – Land Adj And T The West Of Number 42 Green Lane, Upper Arcott, Oxfordshire, OX25 1PA.

Permission in Principle application for the erection of up to 2 No dwellings.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Appeal Reference: 24/00021/REF.
Start Date: 02.07.2024.

4.28 24/00628/Q56 - Quarry Farm, Rattlecombe Road, Shenington, Oxon, OX15 6LZ.

Change of Use and associated building operations to convert existing agricultural building to single dwellinghouse.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Appeal Reference: 24/00023/REF.
Start Date:09/07/2024.

4.29 24/00379/TPO – Rectory Farm, Mill Lane, Upper Heyford, OX25 5LH.

T1 Walnut - overall crown reduction of approximately 1m back from branch tips to previous pruning points. Pruning extent indicated on attached photographs. 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 to previous pruning points. Pruning extent indicated on attached photographs. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.

Appeal lodged against split decision.

Application Ref: 24/00379TPO.

Appeal Ref: 24/00024/REF.

Start Date: 06.07.2024.

Forthcoming Public Inquiries and Hearings between 5 September 2024 and 3 October 2024.

NONE

Appeals Results

4.30 23/03137/F – 17 The Glebe, Hook Norton, Banbury, Oxon, OX15 5LD.

The Inspector **Dismissed** the conversion and extension of existing utility, toilet and workshop space to provide a one bed, self-contained dwelling with off-street parking, bin/cycle storage and rear garden by Mr Dan Barry.

The planning inspectorate dismissed the Planning Appeal and agreed with the case officer, that the design of the extensions would not be in keeping with the character and appearance of the locality, regardless of if you cannot see it from the public realm. Therefore, the appeal was dismissed.

4.31 23/00853/OUT – Land East of Warwick Road, Banbury,

The Inspector **Allowed** the outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access by Vistry Homes.

In making his decision, the Inspector concluded the following:

- The regulation 18 Cherwell Draft Local Plan cannot be given any weight.
- The Inspector considers that it is difficult to see how there any ambiguity on the requirements of paragraph 67 of the NPPF can be and need for a single housing requirement figure for the whole of their area. The Inspector concluded this point by stating that a single housing requirement figure for Cherwell is appropriate and referenced the single housing requirement figure in the draft Local Plan (Reg 18).
- CDC does not have a five-year HLS when assessed against the need to have a single housing requirement figure.
- The scheme accords with policy BSC1 insofar as it seeks to direct growth to Banbury.

- The proximity of the appeal site to the northern edge of Banbury means that the development would be a logical northern extension to Banbury. The Inspector did not consider the development to be sporadic and provided a definition of sporadic as ‘unplanned, scattered or isolated’. This is despite the appeal site not been allocated the Cherwell LP (2015).
- Policy H18 and C8 are nearly 30 years old. The policies were considered to be more restrictive than the approach to development contained in the NPPF and were therefore considered to be out of date.
- The site does not lie within any local or national landscape designations and is not a valued landscape as set out in paragraph 180a of the NPPF
- The proposed landscaping scheme would keep the most sensitive parts of the site free from built development
- The appeal site does not adjoin the settlement boundary of Hanwell and as such the appeal scheme would not physically unify the two settlements.
- The development will not harm the setting of St Peter’s Church or Hanwell Castle due in part to the distance and lack of intervisibility.
- The level of harm to the significance of the Hanwell Conservation Area would be towards the bottom of less than substantial.
- BMV land is not scarce in this part of the district and the site would only make a limited contribution towards the production of arable crops.
- 40% affordable housing significantly exceeds the Policy requirements
- The levels of housing affordability in the district are ‘staggering’.
- The opening of large part of the site for public access and outdoor recreation attracts significant weight.
- The public benefits attach significant weight sufficient to outweigh the harm to the conservation area, landscape and loss of BMV land.

Therefore, the Appeal was Allowed.

4.32 22/02866/OUT– Land off Ploughley Road, Ambrosden.

The Inspector **Allowed** the 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 by Archstone Ambrosden Ltd, Bellway Homes Ltd and Ros.

On the 8 July 2024, the Planning Inspector allowed the appeal and granted planning permission for up to 120 houses on the above site.

The appeal scheme had been recommended for refusal by the case officer, and Members, at the 13th July 2023 planning committee, supported that recommendation, leading to the application being refused on the 14 July 2023 for the following reasons:

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing

settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Ambrosden to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

Landscape Impact

The Inspector found the existing landscape features and topography to be not important, on either the appeal site or its setting or in combination, because of the surrounding houses. Consequently, the Inspector concluded that the proposed houses and access would result in only limited harm to the character and appearance of the area, reducing to very limited harm after 15 years once the new landscaping is well established.

Moreover, the Inspector concluded that the proposal complies with Policy Villages 2 (PV2), on the grounds that PV2 allows for development which leads to some harm and (in his view) the harm arising from this proposal would be limited/very limited, so significant adverse landscape and impacts would be avoided. The Inspector also considered the parameter plans, secured by condition, to be robust enough to enhance the setting of the existing surrounding houses and, therefore, ensure compliance with policies ESD13 and ESD15 as well.

The Inspector agreed that the proposal would conflict with saved Policy H18 of the adopted 1996 Local Plan. However, he noted that this policy was prepared in the context of PPG7 and pre-dates the Framework which permits a balanced judgment to be made on the effects. For this reason, he gave this conflict very little weight.

Scale of development

The Council had made the case that, in the supporting text to policy BSC1, strategic scale development is defined as being 100 houses or more, and that the local plan directs that scale of development to Bicester and Banbury. On this basis, the Council's position was that a 120 dwelling scheme outside of Banbury would undermine this spatial strategy.

The Inspector took a different view, making the following comments at paragraph 75 of his decision letter

“Similarly, the Council suggested at the Inquiry that 100 houses were in excess of that allowable in Policy PV 2 as such a quantum was akin to a strategic site. However, the wording of the Policy has no such limit, and it would be wrong to interpret it by importing such a figure”.

Policy Village 2 – Distribution of houses

The Inspector concluded that policy PV2 does not specify a particular distribution of houses and, accordingly, the distribution of houses across the PV2 villages is down to the particular constraints and opportunities of each individual village.

Oxford’s Unmet Needs/Partial Review sites

In paragraph 74 of his decision letter, the Inspector commented that the 120 dwellings in the appeal proposal would be relatively small compared to the size of the Partial Review Sites. He also took the view that this scheme would likely come forward before the PR sites are implemented, and, for these reasons, would not prejudice the sites identified for Oxford’s needs.

Five Year Housing Land Supply

The Inspector, on the grounds that he concluded that the appeal scheme complied with the Development Plan as a whole, advised that it was not necessary for him to reach conclusions on the five-year housing land supply position.

Therefore, he was silent on the debate about whether Cherwell’s spatial strategy the Oxford’s unmet need sites were, in fact, a single spatial strategy or two separate strategies; and provided no comments about paragraph 77 of the NPPF and whether the Council needs to have a 4- or 5-year housing land supply.

Planning Obligations

The Inspector agreed that all of the Council’s planning obligations were necessary and relevant in scale and kind and satisfied the CIL Regs and paragraph 57 of the NPPF. The Council’s infrastructure requirements included 35% affordable housing and contributions towards:

- Capacity Improvement works at Ambrosden Village Hall
- Capacity improvement works at local Indoor (Bicester leisure Centre) and outdoor sports facilities (Graven Hill 3g Football pitches).
- Provision of bins
- Towards the provision of a new NHS Surgery in the area
- Community worker and community development
- 6 Apprenticeships
- Monitoring Fees

The Inspector also supported Oxfordshire County Councils developer contributions, which comprised:

- £135,960 contribution towards bus services serving the village
- £30,000 towards improvements to public rights of way; and
- £1,558 is identified for Travel Plan monitoring
- Monitoring Fees.

Overall Planning balance

In short, the Inspector concluded that the proposal would not lead to significant adverse landscape impacts and, therefore, the proposal complies with Policies PV2, ESD 13, ESD 15 and C15.

4.33 23/01667/F – West End Farmhouse, 56 West End, Launton, Bicester, OX26 5DG

Replacement windows and doors.



The Inspector made a split decision on the Appeal, as requested by the applicant, and dismissed the Appeal by Ms Collins as regards to windows FW01, FW02, FW03, and GW03. The appeal was allowed, and planning permission granted insofar as it relates to doors and windows GD00, GW01, GW02, GW04, GW05, GW06, GW07, GW08, GW09, GW10 at West End Farmhouse, 56 West End, Launton, Bicester OX26 5DG

Method of determination: Written representation

Appeal Reference: APP/C3105/Y/23/3331378

Council Reference: 23/01668/LB

Works Proposed: The development proposed is the replacement of existing windows with new heritage windows.

The Inspector identified the main issues as:

- Whether the proposal would preserve the special architectural and historic interest of West End Farmhouse which is a Grade II Listed building

The Inspector noted that West End Farmhouse is a Grade II Listed Building, and that of particular relevance were the historic windows to the house, three at first floor (FW01, FW02 and FW03) and three at ground floor (GW01, GW02, GW03). They have been variously repaired, for example FW01 and FW02 have an opening casement dating from the 20th-century but an earlier fixed casement with historic glass. FW03 and GW03 which are first floor and ground floor windows on the far north-east side of the front façade are even more complete historically, dating from the late 19th-century and with the majority of glass panes containing historic glass, albeit some panes have been replaced.

Other windows to the house are modern in origin.

The proposal was to replace all existing windows on all elevations, including the six on the front elevation. The proposed replacement windows are to be heritage-white spray-painted timber of traditional flush casement design and would match the existing windows on a 'like-for-like' basis. The windows are to be glazed using LandVac vacuum insulated glass which would appear as a single pane of glass with micro dots.

The Inspector felt that the loss of the historic windows was harmful to the listed building when they could instead be repaired, and that the public benefits put forward in this case do not outweigh the heritage harm.

However, they considered that the non-historic windows could be replaced (in agreement with the Council's findings) but contrary to the Council, considered that the Landvac windows could be acceptable for a listed building, stating that "The windows proposed would be of a high quality and would not be constructed using fake glazing bars. On the face of it they would be a good match."

They imposed a condition for the details of the windows:

"Prior to the installation of the doors and windows hereby approved full details at a scale of 1:20 including a cross section, sill, lintel and recess detail, and colour/finish shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall be installed in accordance with the approved details."

This is an interesting case since we have previously taken a stance that Landvac windows, with their dotted surface, and usually applied glazing bars, would not be acceptable on Listed Buildings, and from this Inspector's statement, this appears not to be the case, so long as applied glazing bars are not proposed (given their statement "The windows proposed would be of a high quality and would not be constructed using fake glazing bars").

4.34 23/02423/F – Rickfield Farm, Station Road, Milcombe, Banbury, OX15 4RS.

Change of Use of existing poultry shed and Dutch barn to container storage (Use Class B8) including associated landscaping.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representation.

Appeal Reference: 24/00019/REF.

Start Date: 19.06.2024.

APPEAL WITHDRAWN BY APPELLANT 07.08.2024.

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, Development Manager
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