

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	April 10 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	DATE: 25 March 2025
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	DATE: 1 st April 2025
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.

	<p>This has meant it has been necessary to call upon the appeals reserve to mitigate the overspend on spend to date. Any further cost incurred in defending appeals will require alternative sources of funding.</p> <p>Kelly Wheeler, Finance Business Partner, 25 March 2025</p>			
Legal	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill Law & Governance Legal Services 27 March 2025</p>			
Risk Management	<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.</p> <p>Celia Prado-Teeling, Performance Team Leader 25 March 2025</p>			
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

Written Representations

4.1. New Appeals

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/03366/OUT	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury	Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access	Committee Refused	20.03.2025

4.2. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway.	Delegated Refusal	23.04.2024.
23/01616/F	Leys Farm, Hook Norton, Banbury, OX15 5BZ.	Change of use of land from agricultural to residential and construction of swimming pool with associated landscaping.	Delegated Refusal	08.10.2024.
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - crown reduction; T2 - Beech - crown reduction - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
21/02028/F	The Coach House, Hanwell Castle, Hanwell	Free-standing garden room in the grounds, to serve existing household	Delegated Refusal	03.09.2024
24/00779/F	6 Railway Cottages, Shipton on Cherwell	1m extension to existing ground floor with new first floor extension over - re-submission of 23/03177/F.	Delegated Refusal	06.09.2024
24/01391/F	82 High Street, Banbury	Change of use for the ground floor existing charity shop (Class E1) to a tanning salon (sui generis).	Delegated Refusal	17.09.2024
24/00917/LB	Village Farm, Blackbull Lane, Fencott, Kidlington, OX5 2RD.	Single storey front, rear, end extensions and carport with associated internal/external works.	Delegated Refusal	11.10.2024.

23/01736/F	Land at Home Farm Close, Ambrosden, Bicester, OX25 2NP.	Erection of 9 dwellings of 1 x 5 bed detached, 4 x 3 bed terraced and 4 x 2 bed terraced.	Delegated Refusal	20.11.2024.
24/00249/F	Land Adj To 6 Lake View, Cottisford, NN13 5ST	New Detached 3 Bedroom Dwelling.	Delegated Refusal	22.11.2024.
24/01740/DISC	Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon, OX25 4SF.	Discharge of Condition 3 (construction details) of 24/00512/LB.	Delegated Refusal	04.12.2024.
24/00658/CLUE	Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.	Certificate of Lawfulness of Existing Development for a building used as a dwellinghouse.	Delegated Refused	10.12.2024.
24/02205/F	26 Winchester Close Banbury OX16 4FP	Change of Use of land to residential and erection of a detached double garage ancillary to No. 26 Winchester Close - re-submission of 23/03406/F	Delegated Refusal	10.01.2025.
24/01295/F	Duns Tew Manor Main Street Duns Tew OX25 6JP	rection of a garden room and associated landscaping.	Delegated Refusal	07.01.2025.
24/02259/F	28 Buckhurst Close Banbury OX16 1JT	RETROSPECTIVE - Single storey shed to rear garden	Delegated Refusal	29.01.2025.
24/01378/CLUP	Manor House Islip Road Bletchington Kidlington OX5 3DP	Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted	Delegated Refusal	29.01.2025.

		Development) Order 2015		
24/00519/F	Manor House, Isip Road, Bletchingdon, Kidlington, OX5 3DP.	Variation of condition 2 (plans) of 22/03088/F – alterations to design of main house and garage to include amended chimney design, the use of different construction materials, removal of porch, provision of fire escapes, installation of doors, erection of external stairs to garage, alteration of garage roof from hipped to pitched style roof, insertion of rooflights and addition of solar panels	Refused Delegated	30.01.2025.
24/02261/F	29 Buckhurst Close Banbury OX16 1JT	RETROSPECTIVE - Erection of a wooden shed on 10cm concrete base to the rear of garden.	Refused Delegated	03.02.2025.
24/02403/F	2 Meadow Walk Heathfield OX5 3FG	Dormer extension to rear roof slope and rooflights to rear roof slope to facilitate conversion of loft to habitable accommodation	Refused Delegated	05.02.2025.
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	Refused Delegated	21.02.2025
24/02814/ADV	Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF	1no D6 internally illuminated (digital advertisement) screen	Refused Delegated	26.02.2025
24/02664/PIP	The Pheasant Pluckers Inn	Planning Permission in Principle is sought for the provision of 3-7 dwellings within the	Refused Delegated	05.03.2025

	Street Through Burdrop OX15 5RQ	area outlined in red on the accompanying Ordnance Survey Map		
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Informal Hearings

4.3. New Appeals

None

4.4. In Progress/Awaiting Decision

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/01293/F	Land at Manor View (West of Manor Park) 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.	Delegated Refusal	04.11.2024
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.	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and	Refused Delegated	12.02.2025

		designated ecological enhancement areas.		
22/03873/F	Land North And Adjacent To Mill Lane Stratton Audley	Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	Committee Refusal Against Officers Recommendation	20.02.2025

Public Inquiries

4.5. **New Appeals**

None

4.6. **In Progress/Awaiting Decision**

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	28.11.2024.

Enforcement Appeals

4.7. **New Appeals**

None

4.8. **In Progress/Awaiting Decision**

4.9.

Application Number	Location	Description (summary)	LPA Decision:	Start Date
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	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'.	Enforcement Notice	10.11.2023 Written Reps
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	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)	Enforcement Notice	28.11.2023 Written Reps
20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024 Written Reps
15/00256/COU	Hebbons Yard, Bicester Road, Kidlington, OX5 2LD	Expansion Of Yard Onto Agricultural Land	Enforcement Notice. 1 Day Inquiry	24.02.2025

Forthcoming Public Inquiries and Hearings between April 10 2025 and May 15 2025.

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22/03873/F	Land North And Adjacent To Mill Lane Stratton Audley	Installation and operation of a renewable energy generating station comprising ground-	Committee Refusal Against Officers	20.02.2025
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		mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements.	Recommendation	
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.	Refused Delegated	12.02.2025
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.	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield, OX27 8TJ.	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Refusal. Committee.	28.11.2024

4.10 **Appeals Results**

23/02865/F – Slatters Barn, Epwell Road, Shutford, Oxfordshire OX15 6HE

Installation of two shepherd's huts for use as holiday lets & construction of a driveway to the shepherd's huts.

Appeal Dismissed

The Inspector considered the main issue to be whether the appeal site is a suitable location for the development.

The Inspector noted the site's location, away from the nearest village, Shutford, and that Epwell Road has a distinctly rural character. The Inspector noted that there are no local bus or train services in close proximity to the site and that there would be a high dependency for visitors on the use of private vehicles, and that there was nothing to suggest the development was necessary to meet local business or community needs. The Inspector noted no compelling evidence to indicate that walking or cycling routes were of particular interest, and no detailed evidence of unmet demand for new tourist accommodation. Finally, the Inspector that there was no demonstrable need for tourism development on the appeal site or that the development could not be provided at a more sustainable location.

In summary, the Inspector fully agreed with officers' conclusion and the Council's refusal reason.

24/00362/F and 24/01225/F - 141 Bismore Road, Banbury OX16 1JN

Erection of a single-storey garage at end of driveway into rear garden, and with covered seating area in the case of 24/00362/F

Appeals Dismissed

The Inspector considered the main issue to be the proposal's effect on the living conditions of No.89 Watts Road, with particular regard given to access to light and sense of enclosure.

The Inspector noted that the property's permitted development rights had been removed given the density of development/size of gardens. The Inspector noted the close knit pattern of development and the relatively small gardens and that "the planned estate is much more dense than typical developments which are more relevant to the GPDO".

In the case of Appeal A, the Inspector found that the garage would project for much of the length of the garden of the appeal site and along much of the rear boundary of no. 89 Wells Road. The Inspector noted that the neighbour's only outlook without development is to the south over the appeal site and to the east over the public

accessway. The Inspector held that the combined height and depth of the proposed garage would result in an increased sense of enclosure of Nio. 89's rear garden, causing harm to their living conditions through loss of light, loss of outlook and a detrimental sense of enclosure.

In the case of Appeal B, the Inspector noted the reduction in height from 2.6 metres to 2.4 metres. The Inspector concluded that this reduction in height would reduce the impact but not enough to make the scheme acceptable, and that Appeal B would still in result in harm to the neighbour through a "sense of enclosure and loss of light".

The Inspector also refused the appellant's costs application, noting that there had been a number of discussions between the Council and the Appellant around height and depth of the proposed garage; the Inspector noted that the Council had made clear to the Appellant what height it would accept. The Inspector commented: *"Whilst it is good practice for a Council to seek amendments to resolve matters that are outstanding, they are under no legal obligation to seek such amendments. The only legal obligation and duty that the Council are under is to make a decision on a planning application based upon the information they have in front of them which they felt that there was sufficient grounds to refuse the application."* The Inspector noted that, *"the Council were very explicit and consistent as to what height they felt was appropriate"*, concluding that the Council had not behaved unreasonably.

24/01960/PIP - Barn Farm Plants, Thorpe Road, Wardington, Banbury, Oxfordshire, OX17 1SN

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

Appeal Allowed

The Inspector considered the main issue to be whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development with particular regard to (a) the Council's housing strategy and access to key services, (b) the proposal's effect on the character and appearance of the area, (c) whether it would be an efficient use of land, and (d) the loss of village facilities.

In relation to location, the Inspector noted that Wardington is a Category B village, benefits from a public house, village hall, church and sports facilities and "is a short distance from" Cropredy, a Category A village, "which has a broader range of services and facilities", and that there is a regular bus service from Mondays to Saturdays with a bus stop close to the site.

The Inspector also mentioned that the site is brownfield land and is included in Part 1 of the Council's Brownfield Land Register. However, it appears that all brownfield sites submitted to the Council for consideration are included in Part 1, whether or not acceptable in planning terms. The Inspector stated that its inclusion in Part 1 of the Register indicated the Council considered it "appropriate for residential development", but this is the role of Part 2 of the Register.

The Inspector agreed with the Council that the site is outside and physically/visually separated from the built form of Wardington, and “cannot be said to form part of the built-up limits of the settlement”, and in this way was contrary to Policies PSD1, BSC1 and Villages 1 of the CLP 2015 and saved Policy H18 of the CLP 1996. In relation to character and appearance, the Inspector concluded that while there would be inevitable change to the character of the site the proposal would not harm the character and appearance of the area and could be design appropriately to complement its surroundings.

In relation to efficient use of land, the Inspector noted that the proposal would fall well short of the 30 dwellings per hectare sought by Policy BSC2 and indeed would be c. 10 dw/ha, but held that given the site’s context that a more intensive form of development could be problematic in terms of its impact on the surrounding area. The Inspector noted that the proposal would lead to the loss of existing businesses at the site including a garden site and café, but held that these businesses do not serve the basic needs of the local community and that there was no clear evidence the site would continue to be a viable employment site.

The Inspector did not reference the Council’s 2.3 years housing land supply, but did give weight to the proposal’s benefit to the delivery of additional housing and concluded that this outweighed the conflict with the Local Plan.

24/01476/F - 133 Warwick Road, Banbury, Cherwell, OX16 2AR

Retrospective single storey rear extension and outbuilding

Appeal Dismissed

The Inspector considered the main issues to be the effect of the development on the character and appearance of the area and on the living conditions of neighbouring occupiers, with regards to outlook and daylight.

The Inspector noted that a previous application for development was approved, but that both the rear extension and the outbuilding constructed are larger than approved.

The Inspector disagreed with the Council that there would be any impact on the Banbury Conservation Area through change to its setting but entirely agreed with the Council on its impact on the character and appearance of the area and the living conditions of neighbours.

In relation to visual impact, the Inspector noted the “sense of uniformity and heritage” to the terrace of dwellings and a “notable degree of spaciousness and greenery” to the gardens, concluding that the outbuilding would be “overly large” within its garden setting, projecting considerably into the rear garden, dominating its immediate surroundings and as a result would be “out of keeping...and detrimental to the area’s green and spacious attributes”.

In relation to neighbours’ amenity, the Inspector found that the rear extension “looms above the rear of No. 135, dominating the outlook from the rear of [the] neighbouring dwelling” as well as causing harm through loss of daylight.

24/01489/F - 17 Read Place, Ambrosden, Bicester, OX25 2BH.

single storey side extension.

Appeal Allowed

The Inspector considered the main issues to be the highway safety, and the effect of the proposed development upon the living conditions of the occupiers of a neighbouring property, with particular regard to loss of outlook.

The Inspector held the neighbouring property at no. 15 Read Place would be located on slightly higher ground than application site and thus the impact on neighbouring amenity is not so significant to warrant a refusal.

With regards to loss of the on site parking space, the Inspector disagreed with the Highways Officer and did not consider that the loss of carport would compromise highway safety, as he concluded that there was sufficient on-street parking to compensate.

Based on the above and subject to conditions, the Inspector concluded that the appeal should be allowed.

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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