

<b>This report is Public.</b>	
<b>Appeals Progress Report</b>	
<b>Committee</b>	Planning Committee
<b>Date of Committee</b>	15 May 2025
<b>Portfolio Holder</b>	Portfolio Holder for Planning and Development, Councillor Jean Conway.
<b>Date Portfolio Holder agreed report.</b>	07 May 2025
<b>Corporate Director</b>	Corporate Director of Communities, Ian Boll.
<b>Date Corporate Director agreed report.</b>	07 May 2025
<b>Report of</b>	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

<b>Implications</b>	<b>Commentary</b>
<b>Finance</b>	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, 1 May 2025</p>			
<b>Legal</b>	<p>As this report is purely for information there are no legal implications arising.</p> <p>Denzil Turbervill Law &amp; Governance Legal Services</p>			
<b>Risk Management</b>	<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</p>			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		<p>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.</p> <p>Celia Prado-Teeling, Performance Team Leader.</p>
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
<b>Climate &amp; Environmental Impact</b>				Not applicable
<b>ICT &amp; Digital Impact</b>				Not applicable
<b>Data Impact</b>				Not applicable
<b>Procurement &amp; subsidy</b>				Not applicable
<b>Council Priorities</b>	Not applicable			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			

<b>Consultation &amp; Engagement</b>	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
24/02787/F	The Woodyard, Bainton, Oxon, OX27 8RL.	Conversion to a single dwellinghouse (Self-Build)	Delegated Refusal	01.04.2025
24/01646/CLUP	Greenhill Leisure Park Greenhill Farm Station Road Bletchington	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation	Delegated Refusal	27.03.2025

	Kidlington OX5 3BQ			
24/00899/OUT	Land Adjoining The Cottage The Green Fringford	OUTLINE application for construction of 9 detached dwellings, formation of new vehicular and pedestrian access, associated landscaping, drainage and associated works with All Matters Reserved except for Access	Delegated Refusal	16.04.2025.

#### 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.
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. 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 Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - 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
24/01740/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	Delegated Refusal	29.01.2025.

		outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted 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	1no D6 internally illuminated (digital	Refused Delegated	26.02.2025

	Station, South Newington Road, Bloxford, Banbury, OX15 4QF	advertisement) screen		
24/02664/PIP	The Pheasant Pluckers Inn Street Through Burdop OX15 5RQ	Planning Permission in Principle is sought for the provision of 3-7 dwellings within the area outlined in red on the accompanying Ordnance Survey Map	Refused Delegated	05.03.2025
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
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  <a href="#">Appellant Costs Application to PINS</a>	20.02.2025

## **Informal Hearings**

### **4.3. New Appeals**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>

None

### **4.4. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
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 designated ecological enhancement areas.	Refused Delegated	12.02.2025

## **Public Inquiries**

### **4.5. New Appeals**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
24/01908/OUT	OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham	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 - re-submission of 23/01265/OUT	Refused Committee	29.04.2025

### **4.6. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
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**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>

None

### **4.8. In Progress/Awaiting Decision**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and	Enforcement Notice	10.11.2023  Written Reps

		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'.		
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.**

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	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
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		matters reserved except for access.		
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

### **Appellants Award of Costs Application to the Planning Inspectorate.**

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.	Refusal at Committee  Against Officers Recommendation	<a href="#">Appellants Cost Award Application</a>
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## **4.10 Appeals Results**

### **24/01810/F – 60 Corncrake Way, Bicester, Oxon, OX26 6UE**

#### **Appeal Dismissed**

The appeal for a two-storey rear extension was dismissed primarily due to its negative impact on the residential amenities of the neighbouring property at 62 Corncrake Way. The Inspector identified a loss of outlook and light, particularly at ground floor level. More significantly, the Inspector considered the extension would create an "oppressive façade" looming over the neighbour's rear outdoor seating area. While the design of the extension was deemed acceptable, the adverse impact on neighbouring residents led to the appeal's dismissal.

### **24/00912/F – 4 The Glades, Launton, Oxfordshire OX26 5ED**

### **Appeal Dismissed**

The appeal for the erection of a front garden building was dismissed due to its unacceptable harm to the character and appearance of the area. The Inspector reasoned that despite garden buildings being common, the proposed structure in front of the dwelling would appear "incongruous and unacceptably disrupt the consistency of the area." Although somewhat concealed, it would be highly noticeable to neighbouring gardens and frontages. The Inspector did not believe alternative colour schemes or amendments could mitigate this harm. The impact on 6 The Glades was considered limited due to sufficient distance.

#### **21/02058/F – Shelswell Inn, Buckingham Road, Newton Purcell, MK18 4AU**

### **Appeal Dismissed**

The appeal for the erection of a building described as "barns" was dismissed due to its inappropriate location and harmful effect on the character and appearance of the area. The Inspector noted it was a single building, not for agricultural use, in the open countryside, representing sporadic development contrary to policy. The appellant failed to justify the need or provide evidence of lawful land use related to the adjacent caravan site, nor was a sequential assessment of alternative sites undertaken. The building's utilitarian appearance and substantial size were considered unsympathetic and discordant with neighbouring brick buildings, harming the rural character and conflicting with multiple local plan policies.

#### **24/01541/F - 7 Cherry Tree House, Evenlode Banbury OX16 1PQ**

### **Appeal Dismissed**

The appeal for a dropped kerb and tarmacing to create rear garden access was dismissed due to the car-dominated appearance it would create in an area characterized by green infrastructure and separation of vehicular and pedestrian movement. The Inspector noted the rear of the dwelling would be used for parking, impacting adjacent "controlled area markings" and tactile paving without any information on the effect on existing road infrastructure. Safety concerns regarding pedestrian visibility were also raised. Allowing the appeal was considered to set a negative precedent for similar parking issues in the area.

#### **24/00917/LB - Village Farm, Blackbull Lane, Fencott, Oxfordshire OX5 2RD**

### **Appeal Dismissed**

The appeal for single-storey front, rear, and end extensions and a carport at a Grade II listed building (Village Farmhouse) was dismissed due to the harmful effect on its special interest and significance. The Inspector found the proposed front extension would be a visually dominant and unsympathetic addition, obscuring the historic front elevation with a complex and non-vernacular roof form. The rear extension was also considered a contrived built form that would jar with the historic plan and roof pitches, involving a loss of historic fabric and creating internal spaces at odds with the original layout. The significant and permanent harm to the listed building outweighed the private benefit to the applicant.

## **24/00249/F - 6 Lake View, Cottisford, NN13 5ST**

### **Appeal Dismissed**

The appeal for a new detached 3-bedroom dwelling was dismissed primarily because the proposed location was not considered a suitable site for housing according to the Council's development strategy. The Inspector found the site did not meet the definition of infilling despite being within settlement limits, as it didn't form part of a continuous built-up frontage. Furthermore, the limited public transport and lack of safe pedestrian/cycle routes to services and employment in Bicester were considered to encourage car-borne travel, conflicting with policies aiming to reduce the need to travel. These adverse impacts significantly outweighed the limited benefits of one dwelling, and the presumption in favour of sustainable development did not apply.

## **23/00150/CLUE – Unit 22 Beaumont Close, Banbury, Oxon.**

### **Appeal Dismissed**

The appeal for a Certificate of Lawfulness for Existing Development was dismissed. The core issue was whether works had lawfully commenced on a planning permission for commercial units. While the Inspector believed foundations were completed within the time limit, they could not determine if these foundations constituted a material start to the *permitted development*. Crucially, there was no clear link established between the dug foundations and the technical specifications of the approved development (location, necessity, type, depth). Without this link, the Inspector could not confirm a lawful material start had occurred.

## **23/01736/F – The Laurels Parts of OS Parcels 1125 And 1621 North And East of Home Farm Close, Ambrosden, OX25 2NP**

### **Appeal Allowed**

The appeal for the erection of 9 dwellings was allowed. The initial refusal was based on overdevelopment/poor design and insufficient biodiversity information. The Inspector acknowledged that a better layout with permeability to an adjacent development was possible but could only consider the submitted application. While the parking layout was not optimal, the overall design and appearance of the dwellings and proposed landscaping were deemed acceptable. Regarding biodiversity, the Inspector noted the development pre-dated mandatory net gain requirements and that the submitted ecological appraisal demonstrated a satisfactory impact and some biodiversity gain, satisfying the relevant policy.

## **23/02701/F - Land to rear of Wheelwright Cottage**

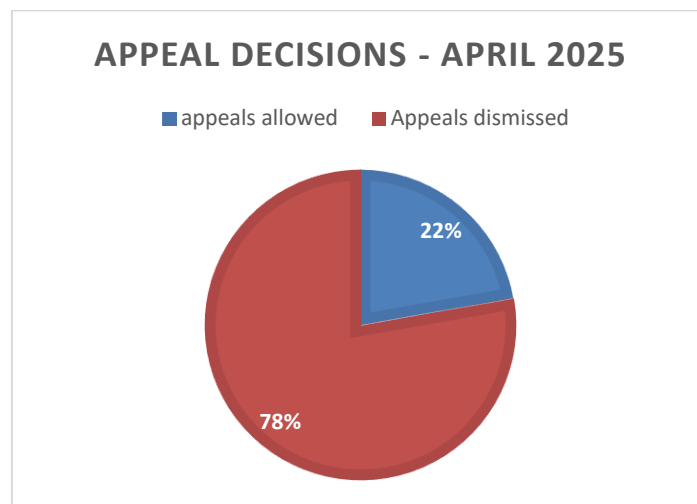
### **Appeal Allowed**

The appeal for a new build dwelling was allowed. The initial refusal cited it not being infill development, harming the Conservation Area's character, impacting neighbouring amenity, and inappropriate access/increased parking. The Inspector concluded that despite not being a gap in continuous frontage, the proposal would infill a small gap within a built-up area given the proximity of other houses. The

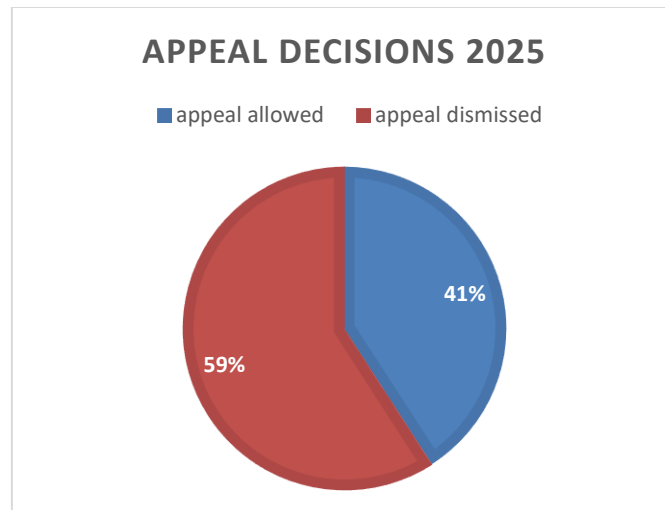
layout and materials were considered to conform to the ad-hoc character of the area and the Conservation Area. Access legality was deemed not a planning matter, and the modest size of the dwelling was unlikely to cause significant harm to safety or amenity.

### **Appeal Decision Data**

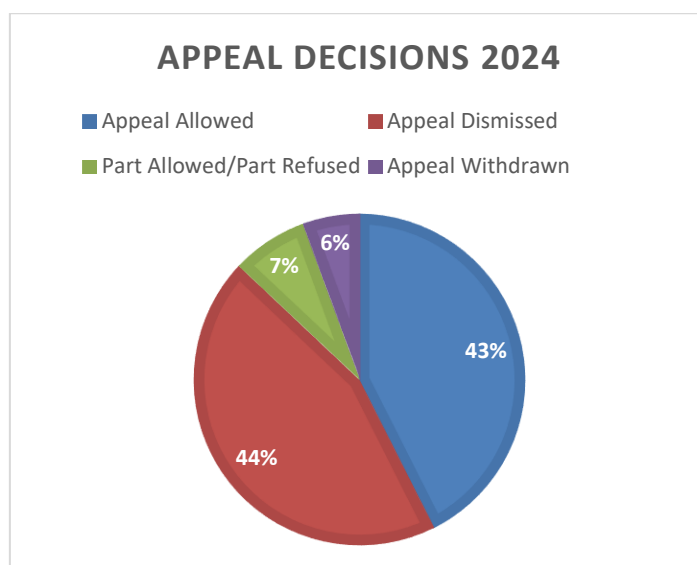
Since last month's appeals report we have received 9 appeal decisions. Seven were dismissed, two were allowed.



So far in 2025 there have been 22 appeal decisions, 9 allowed and 13 dismissed



In 2024 there were 54 appeal decisions, 23 allowed, 24 dismissed, 4 split decisions and 3 withdrawn



The above data shows that the proportion of appeals being allowed is decreasing.

## 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

<b>Key Decision</b>	Not applicable
<b>Subject to Call in</b>	Not applicable
<b>If not, why not subject to call in</b>	Not applicable
<b>Ward(s) Affected.</b>	Appeal dependent

### Document Information

<b>Appendices</b>	
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<b>Appendix 1</b>	None
<b>Background Papers</b>	None
<b>Reference Papers</b>	All documents in respect of the planning appeal
<b>Report Author</b>	Sarah Gevaux, Appeals Administrator Paul Seckington, Head of Development Management
<b>Report Author contact details</b>	<a href="mailto:Sarah.gevaux@cherwell-dc.gov.uk">Sarah.gevaux@cherwell-dc.gov.uk</a> <a href="mailto:Paul.seckington@cherwell-dc.gov.uk">Paul.seckington@cherwell-dc.gov.uk</a>