



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

TOWN AND COUNTRY PLANNING ACT 1990

STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

Appeal by Euro-Garages Ltd against the decision by Cherwell District Council to refuse full planning permission for the retention of a storage container to the rear petrol filling station kiosk at Banbury Service Station.

Appellant : Euro-Garages Ltd
Appeal Site : Esso, Banbury Service Station, Oxford Road, Bodicote,
OX15 4AB
LPA Reference : 20/00167/F
Planning Inspectorate : APP/C3105/W/20/3253999
Reference

THE COUNCIL'S STATEMENT OF CASE

August 2020

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1 THE COUNCIL'S CASE

- 1.1 The Council's case in this appeal is principally as set out within the officer's delegated report for the planning application, a copy of which was sent to the Inspectorate with the appeal questionnaire.
- 1.2 This Statement of Case does not intend to repeat or duplicate the arguments set out in that report, but instead focuses on responding to and clarifying the key issues that arise from the Appellant's Statement of Case.
- 1.3 This Statement of Case solely focuses on the reason for refusal and does not cover the aspects of the development which the Council considers to be acceptable as these matters are common ground between the parties and are assessed in the delegated officer's report.

2 COMMENTS IN RESPONSE TO THE APPELLANT'S STATEMENT OF CASE

- 2.1 The Appellant has submitted an evidence base, from paragraphs 7.4 – 7.11 with relevant photographs between paragraphs 2.4 – 2.7, seeking to address the Council's concern over the lack of evidence with the application to demonstrate that alternative options were considered and reasonably discarded. The Appellant's principal justification appears to be that there are no other alternative positions within the site curtilage that could house the storage container or an extension.
- 2.2 The Council submits that this rather misses the point it had made. It does not object to this location for an extension. It objects to the siting of a container in this location on a permanent basis. The Council wishes to make clear that the Appellant has failed to consider an alternative to the storage container in its current location.
- 2.3 The Appellant's justification focuses only on the re-siting of the existing storage container, rather than identifying that there are entirely plausible possibilities of an alternative, more permanent and more visually appropriate structures or extensions

to the rear/southeast of the petrol station kiosk that could be constructed on-site to provide the identified need for additional storage space.

- 2.4 The Appellant has identified that there is land located to the north of the existing 'Greggs' takeaway shop and also to the north of the existing petrol station kiosk. However, in both cases, these are utilised for bin storage. Observations on site and in imagery contained within the Appellant's statement of case show that these spaces are poorly organised. The Council submits that it is entirely plausible that either of these spaces could be utilised for additional storage.
- 2.5 The Council disagrees with the Appellant's contention that bin storage located where the storage container is currently located would result in significant visual or residential harm. Commercial waste bins of this type are typically a height of about 1.3m, so would not be readily visible over fencing. Furthermore, bins are already stored directly adjacent to the neighbouring property, so there would not be an increase in harm in this respect.

Visual impact

- 2.6 The Council refused the planning application on the basis that the storage container results in significant harm to the character and appearance of the area. It had granted consent in 2017 on a temporary period of three years on the basis of the economic benefit of the siting of the container and because by nature it has a temporary, transient appearance. The intention of granting a temporary consent was to allow time for the applicant to provide a more suitable, permanent means of storage. The Council submits that the container's visual impact would, if sited permanently, significantly and demonstrably outweigh its economic benefit.
- 2.7 The Appellant contests, from paragraphs 7.12 – 7.23 of its statement of case, that the storage container in situ does not have a materially harmful impact on the character and appearance of the site and wider area. Principally, its case is focused on the commercial appearance of the petrol station and forecourt, and the apparent lack of residential character of the dwellings along Oxford Road.
- 2.8 The Council recognises that the petrol station and forecourt have a commercial and with that a more urbanised appearance. However, the Council disagrees that the commercial operations are the dominant feature. Residential housing development

takes up much of this north-eastern side of Oxford Road in Bodicote. In fact, the commercial operations of the petrol station, forecourt and adjacent car showrooms only take up a very small part of this road in Bodicote, which also 'begins' the transition from the village of Bodicote into the urban area of Banbury.

- 2.9 The storage container is sited directly adjacent to a residential property and can clearly be seen in the same context when travelling northwest along Oxford Road. Through its box-like form, utilitarian appearance and siting directly abutting the residential dwelling southeast, the storage container is considered to be inappropriately sited, to result in poor design and to adversely affect the character and appearance of the area.

3 Conclusion

- 3.1 For the reasons set out in its decision notice and this statement of case the Council submits that the appeal proposal clearly conflicts with Government guidance contained within the National Planning Policy Framework as well as development plan policy. Accordingly, the Inspector is respectfully requested to uphold the decision made by the Local Planning Authority and dismiss this appeal

Officer: George Smith

Dated: August 2020

Appendices

Appendix 1 – suggested draft conditions

Appendix 2 – officer's report for 16/02272/F

