
Appeal Decision

Site visit made on 18 October 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2016

Appeal Ref: APP/C3105/W/16/3154107

The Green Barn, Stoke Lyne Road, Stratton Audley, Oxfordshire OX27 9AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr J O'Neill against the decision of Cherwell District Council.
 - The application Ref 16/00366/REM, dated 24 February 2016, sought approval of details pursuant to condition No 2 of a planning permission Ref 15/00640/OUT, granted on 28 August 2015.
 - The application was refused by notice dated 22 April 2016.
 - The development proposed is demolition of existing dutch barn and erection of three dwellings and formation of new access.
 - The details for which approval is sought are: access, appearance, layout and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely access, appearance, layout and scale details submitted in pursuance of condition No 2 attached to planning permission Ref 15/00640/OUT dated 28 August 2015, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site occupies a fairly prominent position on the south-west side of Stoke Lyne Road, a short distance from the historic core of the village of Stratton Audley.
 4. The appeal site is slightly elevated from the road and currently accommodates a large barrel-vaulted, steel-clad Dutch barn which appears to be in a poor state of repair. As the site is largely open to its surroundings, this sizable and bulky barn building is a dominant feature and despite being located towards the rear of the appeal site, it is highly conspicuous from Stoke Lyne Road on approach into and out of the village.
 5. Agricultural land adjoins the site to the south-west and north-west, although the site is bounded to the south-east by a complex of buildings at Stratton House. Additional 2 storey residential development also extends out from the centre of the village beyond the appeal site on the opposite side of Stoke Lyne
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- Road. Therefore, whilst the appeal site forms part of the rural setting of Stratton Audley, it is also well connected to the built up area of the village.
6. Much of Stratton Audley is a designated Conservation Area and although the appeal site itself does not fall within the Stratton Audley Conservation Area (SACA), it lies immediately adjacent to it. Paragraph 132 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets, the significance of which can be harmed through, amongst other things, development within its setting.
 7. The Stratton Audley Conservation Area Appraisal 1996 (SACAA) recognises the agricultural origins of the village and notes that it is characterised by a frontage containing a mixture of detached properties, short terraces of cottages and farm complexes, built of local limestone. Boundaries are marked by connecting limestone walls, several of which are over 2m in height and contribute to the sense of enclosure felt at some points in the village.
 8. The layout of the proposed development would reflect the traditional courtyard arrangement of a farm complex and would therefore be in keeping with the rural character of the area and the agricultural history of the site and wider village.
 9. The dwelling on Plot 3 would be located at the front of the site and would face into the courtyard. It would back on to the road behind a narrow grass verge, thereby providing a sense of enclosure that is characteristic of other parts of the village. There would be similarities to the layout established by the outbuildings at the neighbouring site at Stratton House and other farm complexes in and around the village.
 10. The development on Plot 3 would have a linear form and include a 2 storey dwelling flanked by single storey side projections. The presence of 2 storey buildings flanked by single storey projections are not uncommon in the village generally and many dwellings, walls and outbuildings are set close to, or abut the highway. This characteristic of the built form can clearly be seen when looking towards the main part of the village from Stoke Lyne Road in the vicinity of the appeal site.
 11. The proposed development on Plot 3 has been designed to reflect the appearance of Cherry Cottage (and Forge Cottage), a 2 storey stone dwelling with a single storey projection at the side. Whilst the Council considers that Plot 3 and Cherry Cottage have very different contexts, they are located within close proximity to each other and I have seen that Plot 3 would be visible from Stoke Lyne Road at the junction with Cherry Street. Cherry Cottage and the development on Plot 3 would therefore be seen in the same view when looking towards the appeal site from the main part of the village.
 12. Nevertheless, the Council considers that the 2 storey element of the proposed dwelling on Plot 3 would appear unduly dominant. However, despite being slightly elevated from the road, this part of the dwelling would not extend for a significant length across the front of the appeal site. The single storey projections either side would also have much lower ridge heights which would serve to reduce the prominence and scale of the 2 storey element. Moreover, the single storey projection would be located closest to the neighbouring outbuildings at Stratton House and would be in keeping with their scale.

13. I also note that the ridge heights of many other existing dwellings in the vicinity of the appeal site are not significantly dissimilar to the proposed 2 storey element of the dwelling on Plot 3. Further, given that there are 2 storey dwellings opposite and further north of the appeal site, I do not consider that the proposed development would be located at a point in the village where the built form is generally diminishing in scale. Consequently, in this overall context, the 2 storey element of the dwelling on Plot 3 would not appear unduly dominant. The layout, scale and form of the development on Plot 3 would reinforce local distinctiveness in accordance with Policy ESD 15 of the CLP 2015 and would, in my view be an acceptable form of development.
14. With regard to Plot 1, whilst the Council maintains that it has been clear about the importance of this part of the site in terms of its openness, the principle of development for 3 dwellings has been established on the entire appeal site.
15. Nevertheless, I acknowledge that the siting of Plot 1 would restrict views into and out of the SACA and in considering the impact of this, I have had regard to the SACAA. Whilst this document makes reference to some of the important views available within the Conservation Area, it does not identify Stoke Lyne Road or the area in the vicinity of the appeal site as being significant in terms of views.
16. I am also mindful that there is a significant gap between the appeal site and Kent Cottage to the north-west where views into and out of the Conservation would remain uninterrupted and the rural setting of the village would be maintained.
17. Furthermore, the appeal proposal would see the removal of the existing large and bulky Dutch barn which significantly obstructs views from Stoke Lyne Road to the open countryside at present. I consider that its removal would somewhat off-set any restriction of views caused by the siting of the dwelling on Plot 1. Although Plot 2 would be partly located on the site of existing barn, views into and out of the Conservation Area would still be achieved around and in-between sensitively designed buildings that are in keeping with those in Conservation Area itself.
18. Moreover, having regard to my conclusion that the development on Plot 3 would be acceptable, if Plot 1 were to remain undeveloped, views out of the Conservation Area from the core of the village around the junction of Stoke Lyne Road and Cherry Street would be restricted in any event. Consequently, I do not consider that the setting of the Conservation Area would be unduly harmed by the proposed development.
19. I note that Plot 1 has been designed to appear as a traditional converted barn and would have an off-set L-shaped plan form. Although it would be positioned towards the front of the site, the smaller scale 1.5 storey 'outshoot' would be the part of the dwelling located closest to the site boundary and most visible from the road. The larger scale, 2 storey part of the main 'barn' building would be set further back from road and slightly away from the western boundary of the site. When considered in the context of the other relatively modern looking, 2 storey properties that are located around Stoke Lyne Road on approach to the appeal site, the dwelling on Plot 1 would not appear unduly stark when entering the village from the north-west. In addition, despite being located towards the edge of the site, I consider that there would be space for landscaping which would also help to soften the development from the

footpaths to the west and a suitable planning condition could be imposed to secure this.

20. The proposed scheme seeks to re-interpret a traditional grouping of agricultural buildings; however, the position of the proposed access into the site would see Plot 1 set slightly away from Plots 2 and 3. Nevertheless, I do not consider that it would appear obviously detached or disjointed from the other proposed buildings on the appeal site. The layout of Plot 1 would follow the dog-leg boundary of the site and allow the garden area to be located to the rear. The dwelling would have a relationship with both the street and the other buildings on site and the overall principle of the courtyard arrangement would still be visually apparent.
21. Whilst the appearance and form of the dwelling on Plot 1 may not precisely replicate a traditional barn, the scale, design, materials and detailing would be sympathetic to the character of its rural context, in accordance with Policy C28 of the Cherwell Local Plan (CLP) 1996. The dwelling would appear as a more modern interpretation of the historic style of barn found in the area, whilst also reflecting local distinctiveness as required by Policy ESD 15 of the CLP 2015¹.
22. Overall, the development would not compromise the characteristics of the SACA or have a harmful impact on its setting. The appearance, layout and scale of the proposed development would be compatible with the existing dwellings in the vicinity. It would reflect elements of the established character of the surrounding development and the wider village generally, and would be sympathetic to its rural context as required by Policy CS 28 of the CLP 1996. In my view it would provide a sensitive transition between the main built up area of the village and the wider countryside.
23. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the area. I find no conflict with policies C28 and C30 of the CLP 1996, or policy ESD 15 of the CLP 2015 which requires new development to be sympathetic to the character of its context and compatible with the existing dwellings in the vicinity, amongst other things. The proposal would accord with the Framework which seeks to conserve and enhance the historic environment and which also requires good design.

Other Matters

24. I acknowledge that Plot 3 would include ground and first floor windows in the elevation facing 2 Cherry Close and that the Council would normally require a back to back distance of 22m. However, I agree with the Council that this is not a typical back to back relationship as the properties are separated by a road and it essentially includes the front elevation of Plot 3. Given that one of the windows in the first floor of Plot 3 would be a bathroom and that the bedroom window would be fairly small, I do not consider that there would be an unacceptable loss of privacy for the occupants of 2 Cherry Close. Moreover, given the distance between the 2 properties and considering that much of the frontage of the appeal site would comprise single storey development, I do not consider that there would be an unacceptable loss of light to 2 Cherry Close.
25. Whilst the exterior wall of the development on Plot 3 would run along Stoke Lyne Road, it would be set back slightly behind a grass verge. As outlined

¹ The Cherwell Local Plan 2011 – 2031 Part 1 Adopted 20 July 2015

above, this is a typical characteristic of the village. No comments have been received from the Council's highway engineer and I have no evidence before me to suggest that the proposed development would result in increased harm to pedestrians or other road users in this location.

Conditions

26. I have had regard to the conditions put forward by the Council and the appellant's comments. Having considered them against the tests in the Framework and advice in the Planning Practice Guidance (PPG), I have made amendments as necessary.
27. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. To ensure the satisfactory appearance of the development in the context of the locality, it is also necessary to impose conditions relating to the use of external materials and the submission of further details regarding the exterior of the dwellings. Similarly, it is also reasonable to impose a condition requiring details of the finished floor levels and the ridge and eaves heights of the new dwellings to be submitted.
28. The submission of a landscaping scheme and details of boundaries and means of enclosure is also necessary in the interests of visual amenity and to ensure the satisfactory appearance of the development.
29. A condition requiring details of access, parking and the provision of a turning area is also necessary in the interests of highway safety and to ensure that vehicles can adequately manoeuvre.
30. However, as the removal of permitted development rights is already included as part of the outline planning permission 15/00640/OUT, it unnecessary for this condition to be applied again.

Conclusion

31. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Emma Tinsley-Evans

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 5268.00; 5268.01; 5268.02; 5268.03; 5268.04; 5268.05; 5268.06; 5268.07; 5268.08; 5268.09; 5268.10; 5268.11; 5268.12
- 2) No development of a building above slab level shall take place until a sample panel of the materials to be used in the construction of the external walls shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 3) No development of a building above roof plate level shall take place until samples of the proposed roof slate for the building has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) Notwithstanding the details shown on the approved plans, details of the design, materials, and colour/finish of the windows and doors and their surrounds, and the eaves and verge treatment, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the buildings above slab level. The development shall thereafter be carried out in accordance with the approved details.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels on the site and that of adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall also include the finished ridge and eaves height of the buildings and that of adjacent properties. The development shall be carried out in accordance with the approved levels.
- 6) Prior to the first occupation of any dwelling hereby approved, details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas.
 - ii) details of the hard surface areas including pavements, pedestrian areas, reduce-dig areas, crossing points and steps.

The landscaping works shall be carried out in accordance with the approved details and the hard landscaping works shall be carried out before any part of the development is first occupied.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die,

are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) Prior to the first occupation of any dwelling hereby permitted, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of the dwellings they are intended to screen, shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.
- 9) Prior to any works to provide the access, parking and turning area of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the access between the land and the highway, and the turning area and parking spaces within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the access, turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.