

Appeal Decision

Site visit made on 15 November 2016

by Rory Cridland LLB (Hons)

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

Decision date: 9 December 2016

Appeal Ref: APP/D3125/W/16/3157358

Weavings Farm, 101 Abingdon Road, Standlake OX29 7QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Booth against the decision of West Oxfordshire District Council.
 - The application Ref 16/01078/FUL, dated 4 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is the conversion of stable and store building to create a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has referred to the emerging West Oxfordshire Local Plan 2011-2031 in its reasons for refusal. However, in the absence of any up-to-date information on its stage of preparation or further details regarding the number of unresolved objections, the weight that I can afford to it is limited.

Main Issues

3. The main issues are:
 - (i) whether the proposal represents an acceptable form of development having regard to its flood zone location; and
 - (ii) the effect of the proposed development on character and appearance of the surrounding area.

Reasons

Flood risk

4. Part of the appeal site is located in Flood Zone 3 which is categorised as being at greatest risk of flooding. The National Planning Policy Framework ("the Framework") advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk¹. The aim is to ensure that development only takes place in areas at risk from flooding if there are no reasonably available alternative sites at locations where the risk is less. It does, however, provide an exemption² in the

¹ by the application of the Sequential Test.

² At paragraph 104

case of minor development or changes of use. Nevertheless, in all cases proposals should still meet the requirements for site specific flood risk assessments.

5. No site specific flood risk assessment has been provided. While I note that the appellant contends that a smaller proportion of the appeal site lies within Flood Zones 2 and 3 and that a safe means of escape can be provided, in the absence of a site specific flood risk assessment, it is impossible for me to determine with any certainty whether the risks posed can be sufficiently mitigated.
6. Consequently, in the absence of further information, I cannot be satisfied that it would be possible to make the development safe from flooding. Accordingly, I find the proposal would be contrary to the guidance set out in the Framework.

Character and appearance

7. The appeal site is situated to the rear of No 101 Abingdon Road and consists of some agricultural looking buildings together with a number of fields, which I understand are used for equestrian purposes. Although located outside the settlement boundary, the site is set in close proximity to the nearby residential development situated along Abingdon Road.
8. The Council is concerned that the conversion of the existing buildings into a residential dwelling would negatively impact on the character and appearance of the surrounding area. However, while I note their concerns regarding the amount of works proposed, I do not consider them to be such that they would result in an extensive alteration to the existing structure. Visually, there would be little change and as such, its impact on the immediate area would be limited.
9. Furthermore, in view of its location to the rear of the residential properties along Abingdon Road, views of the site from the surrounding area are limited. Although I acknowledge that the proposed dwelling would be partially visible from nearby Horns Way, the site is considerably screened from this location by existing mature vegetation. Even during periods of low leaf cover those views which are available would see the building within the context of numerous other residential properties. While I note the Council's concerns regarding the introduction of domestic paraphernalia, in view of the site's proximity to established residential development, coupled with its limited visibility from the public realm, I consider any harm which may result from such additions would be limited.
10. Moreover, the retention of its agricultural appearance would help ensure that the new dwelling integrated well with the adjacent residential development while respecting the nearby rural landscape. I do not therefore consider that the proposal would be detrimental to the character and appearance of either the immediate surroundings or the wider area.
11. The Council has also raised concerns regarding the creation of a new residential dwelling in the countryside. Policy H4 of the West Oxfordshire Local Plan 2011³ (LP) seeks to restrict the construction of such dwellings other than where there is a genuine essential agricultural or other operational need for a full time worker to live on site. This policy, however, is more restrictive than the

³ Adopted June 2006

guidance set out in the Framework, Paragraph 55 of which indicates that new isolated homes in the countryside should be avoided other than in a limited number of special circumstances. Paragraph 215 of the Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. As such, I afford Policy H4 limited weight and instead have considered the matter in light of the Framework guidance.

12. In this case, although situated outside the settlement boundary, the appeal site is clearly not isolated. It sits to the rear of established residential development with easy access to local services. As such, the need for special circumstances is not engaged and I do not consider the development would be contrary to the advice set out in Paragraph 55.
13. Consequently, I do not consider the proposal would be harmful to the character and appearance of the surrounding area. Furthermore, I do not consider that that it would constitute an isolated new form of development for which special circumstances are required. Accordingly, I find no conflict with LP Policy BE2 which seeks to ensure that new development respects the character and quality of its surroundings or with the guidance set out in Paragraph 55 of the Framework.

Other Matters

14. The Council has also referred to LP Policy BE10 in its reasons for refusal. That policy relates to 'unlisted vernacular' buildings, which it defines as '*a design that is historically used as the normal design in a particular area employing the use of local building materials*'. I do not consider the existing buildings to be a notable form of development or one which would fall within the above definition. As such, I do not consider that policy to be applicable to the development proposed.

Conclusion

15. Although I have found that the proposal would not be harmful to the character and appearance of the surrounding area, I have nevertheless concluded that without further information I cannot be certain that the development can be made safe from flooding. As such, it would be contrary to the flood guidance set out in the Framework.
16. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR