

Appeal Decision

Site visit made on 10 January 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 19 January 2017

Appeal Ref: APP/D3125/W/16/3158549

Jericho Farm, Road to Worton, Worton, Witney OX29 4SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nicholas Staveley against the decision of West Oxfordshire District Council.
 - The application Ref 16/01636/S73, dated 17 May 2016, was refused by notice dated 11 July 2016.
 - The application sought planning permission for the change of use, alteration and extension of Class B1(a) office accommodation to 3 dwellings (Class C3). Erection of double garage (amended plans), without complying with a condition attached to planning permission Ref 16/00592/FUL, dated 27 April 2016.
 - The condition in dispute is No 2 which states that:
 2. *"That the development be carried out in accordance with the approved plans listed below."*
 - The reason given for the condition is:
 2. *"For the avoidance of doubt as to what is permitted."*
-

Decision

1. The appeal is dismissed.

Preliminary matters

1. Planning permission reference 16/00592/FUL was granted on 11 July 2016 for the change of use, alteration and extension of Class B1(a) office accommodation to 3 dwellings (Class C3) and the erection of a double garage.
2. Condition 2 of that planning permission states *"That the development be carried out in accordance with the approved plans listed below."* These are: PA99 A Site plans; PA100 C Floor Plans – Proposed; PA101 A Elevations – Proposed; PA102 A Elevations – Proposed; and PA01 Location Plan. The appeal seeks to remove this condition and replace it with a condition specifying the plans that reflect the proposed amended design.

Main Issue

2. The appeal site is located within the Oxford Green Belt. Section 9 of the National Planning Policy Framework (the Framework) sets out the Government's approach to protecting Green Belt land. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, the
-

Council's reason for refusal does not raise concern in this regard and focuses of matters relating to design.

3. Consequently, based on the evidence and representation before me, the main issue is whether or not existing Condition 2 is necessary and reasonable in the interests of the character and appearance of the area.

Reasons

4. The appeal site is located in the countryside and comprises a group of buildings in a former farmyard, currently being used for Class B1 offices.
5. The appeal primarily relates to 'The Stables' which is an 'L' shaped single storey block, granted planning permission in 1990. Although clearly not a stable block and of relatively recent construction, the building is nonetheless similar to a stable block in its shape and proportions with a simple and subordinate scale and design that is typical of such buildings and which complements the existing vernacular buildings on site. Despite areas of open surface car parking, the overall character of the group of buildings is in keeping with its former function and its countryside location and is not that of a business park as suggested.
6. As planning permission has been granted for the change of use, alteration and extension of the office accommodation to 3 dwellings, along with the erection of a double garage, the residential use of the site and its buildings has been accepted, along with any associated change to its character.
7. In this regard, the approved design includes a link between 'The Old Barn' and 'The Stables' and the addition of two porches, which are clearly residential in character. However, these are relatively recessive features and additions which materially differ in scale and appearance to the design changes currently proposed, which essentially seek to add three gable extensions to 'The Stables' building and its link to 'The Old Barn'. In any case, the appeal proposal would also retain one of the porches whilst the link element would be enlarged.
8. Even though set down from the main ridgeline, the gables would significantly interrupt the clear eaves line and roof plane across the building, much more so than the approved porch canopies. I accept that the projections would not be particularly deep, other than on the northern elevation, but nevertheless, the proposed gable extensions would project forward of the main walls of the building thereby drawing further attention to the them. Whilst it is proposed to use matching stone materials, the extent of stone to the front facing elevations would be relatively limited and the predominant aspect would be glazing.
9. As a consequence, the gable extensions would dominate the modest scale of the building and would be overtly domestic in character. I accept that the two south facing gables would be relatively discreetly located, however, such additions would be out of keeping and harmful to the simple character, appearance and form of the original building. The changes would also threaten the clear existing subordinate relationship with the main character buildings, particularly 'The Old Barn'.
10. This would be in contrast to the approved scheme which is more sympathetic to the existing building and its countryside location and would not achieve a comparable level of domestication, even by leaving boots or other such paraphernalia under the porch canopy.

11. In terms of any increased light to the internal accommodation, I note that in two out of the three proposed locations for the gables, the approved scheme appears to include full height glazing and French doors, thereby providing a good source of light to the internal spaces behind. Although there may be some additional benefit arising from less reliance on electrical lighting or improved solar gain, I have no evidence to demonstrate that the difference would materially influence the planning balance.
12. Whilst it is stated that the proposed development includes beneficial works to remove existing less sensitive features and landscaping, I have no evidence to suggest that the same wouldn't be achieved with the scheme as currently approved and therefore without the associated harm. I also appreciate that the appellant considers the changes to be beneficial to the overall scheme, however, I have no evidence to suggest that the approved scheme would not be implemented if this appeal were to be dismissed.
13. Accordingly, I conclude that it is necessary and reasonable, in the interests of the character and appearance of the area, to retain existing Condition 2 with its associated list of approved plans, and that its replacement with a condition specifying the plans currently proposed would be contrary to Saved Policies BE2 and BE10 of the West Oxfordshire Local Plan 2011. These policies state that that proposals will only be permitted where specified criteria are met, including that extensions to existing buildings are designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining buildings and that the conversion of unlisted vernacular buildings should not include extensions, or an accumulation of extensions which would obscure the form of the original building. The proposal would also be contrary to the West Oxfordshire Design Guide which sets out ways in which good design can protect and enrich the character of the District.
14. In addition, the reason for refusal makes reference to Policy OS4 of the Emerging West Oxfordshire Local Plan 2031, which states, amongst other matters, that new development should respect and contribute to local distinctiveness. However, whilst finding conflict with this emerging local plan policy, having regard to its stage of preparation, I agree with the Council that limited weight should be given to it.

Other matters

15. The issue of whether or not the Council can demonstrate a five year supply of housing has been raised, however this has limited relevance to the main issue I have identified and therefore I have not considered this matter further.

Conclusion

16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector