
Appeal Decision

Site visit made on 24 March 2017

by Christa Masters MA (hons) MRTPI

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

Decision date: 5 April 2017

Appeal Ref: APP/D3125/W/16/3166131

Leylandii, Lower End, Salford, Chipping Norton, Oxon OX7 5YW

- 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 & Mrs Ray and Cynthia Young against the decision of West Oxfordshire District Council.
 - The application Ref 16/03382/FUL, dated 10 October 2016, was refused by notice dated 5 December 2016.
 - The development proposed is conversion to holiday cottage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion to holiday cottage at Leylandii, Lower End, Salford, Chipping Norton, Oxon OX7 5YW in accordance with the terms of the application, Ref 16/03382/FUL, dated 10 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered location plan, 16043.3, 16043.4, 16043.5, 16043.6.
 - 3) No development shall take place until samples of all external materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows, roof lights, dormer windows, extensions or outbuildings other than as expressly hereby authorised shall be constructed.
 - 5) The holiday accommodation hereby approved shall be used for holiday accommodation purposes only and shall not be used as any individual main or sole dwelling. It shall not be occupied for a period exceeding 6 weeks for any single letting, and there shall be no return within 6 weeks by the same household. A register of all occupiers, detailing dates, names and usual addresses shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by officers of the Council.
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Procedural Matters

2. The Council have confirmed that the site is not located within a conservation area. They have also confirmed that the reference within the reason for refusal to policy BE5 of the West Oxfordshire Local Plan is incorrect.
3. The Council and a number of third parties have raised concerns regarding the use of the existing structure and the appellant has responded on a number of these points. In terms of this appeal, the fact remains, as acknowledged by the Council within their appeal statement, the application now subject to this appeal has been registered and validated by the Council and determined by the Council. I shall accordingly not comment any further on this matter.
4. The Council have referred to an appeal decision at Priest Grove Cottage¹. This appeal related to the removal of a condition relating to a holiday let restriction. I shall return to this matter below.

Main Issue

5. The effect of the proposal on the character and appearance of the area, including whether the proposal would result in sustainable tourism.

Reasons

6. The appeal property is a large single storey structure located on a corner plot fronting Lower End. There is a relatively high hedge screening the site from Lower End. From my site visit, it was evident that the property was in use as a garage and workshop. The site is located in the small village of Salford which is not classified within the Council's settlement hierarchy. However, the property is surrounded by other residential properties; there is also a public house and village hall within the village and a bus stop immediately outside of the appeal site.
7. The Council state that the structure has been built recently and is therefore modern. Be that as it may, it is nevertheless of a traditional building design and complements the existing local built form. It is also proportionate in scale and form to the surrounding built form. As such, I am unable to agree with the Council's view that the building as it currently stands results in material harm to the character and appearance of the area.
8. My attention has been drawn to a number of policies from the West Oxfordshire Local Plan (LP). In particular, policies TLC2, H2 and H10. Policy TLC2 sets out a 4 part criteria based approach in relation to change of use applications. Notwithstanding the Council's appeal statement, there is nothing within the policy or supporting text which stipulates the age of the building to be converted. The policy is generally supportive of the reuse of existing buildings and from my assessment of the policy, I can see no direct conflict with the 4 criteria identified. Policy H2 is a general policy which sets out a number of residential development standards which need to be met in relation to the conversion of existing buildings. Policy H10 relates to the conversion of existing buildings to residential use in the countryside and small villages. The appeal proposal is for a holiday let and would be restricted as such by an appropriately worded condition. Taking into account the locational characteristics of the appeal site and the wording of this policy which relates to

¹ APP/D3125/A/12/2175142

residential use, I am not entirely convinced the policy is directly applicable to the appeal proposal.

9. The Council have also referred to paragraph 55 of the Framework. This paragraph advises, amongst other things, that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. From my assessment of the locational characteristics of the site, I can see no conflict with this part of the Framework. Paragraph 55 goes on to refer to the creation of isolated homes in the countryside. The appeal proposal is for the conversion of an existing building to a holiday let within a village location. It cannot be described as isolated. As such, I am not convinced that the latter part of paragraph 55 of the Framework is directly applicable to the appeal before me.
10. Paragraph 28 of the Framework relates to supporting a prosperous rural economy which seeks to support sustainable rural tourism. As a holiday let, the proposal would deliver potential benefits, proportionate to the small scale of the proposal, to the existing rural economy. Users of the holiday let would be able to utilise the Salford Inn as do other existing holiday lets in the village. This would go some way towards the sustainable rural tourism objective identified by the Framework.
11. I have noted the Council's concerns regarding the visibility of cars parked outside of the holiday let. However, from my site visit it was clear that parking associated with the surrounding dwellings either in an off street location or along the road forms an established part of the character of the area. This factor alone would not in my view result in material harm to the character and appearance of the area. The proposal would result in the replacement of the existing garage doors with a patio door and small glazed windows either side to this flank elevation. It would also result in one additional window to the side elevation. These alterations to the external appearance of the building are modest. They are domestic characteristics which are evident on a number of the neighbouring properties. I am unable to conclude that they would result in material harm to the character and appearance of the area.
12. The additional appeal decision referred to by the Council relates to the removal of a condition restricting the use of a property to a holiday home. The proposal before me is to convert the existing building to a holiday let. The similarities I can draw between the two appeals are limited. Each proposal must be considered on its own merits on the basis of the information presented. In any event, the Council appear to be referring to this decision in the context of policy H10 and its compatibility with the Framework. As I have already concluded above, I do not consider this policy is directly applicable to the appeal proposal.
13. Although not referred to within the reason for refusal, the Council have also drawn my attention to policy TLC3 of the LP. However, this policy relates specifically to new build tourist accommodation and the supporting text confirms this. The proposal before me is not a new build structure. On this basis, I do not consider that this policy is directly applicable to this appeal.
14. In addition to the development plan policies set out above, reference has also been made to policies E3 and E4 from the Emerging West Oxfordshire Local Plan. Policy E3 relates to the reuse of non-residential buildings. It states that the Council will support the reuse of traditional buildings for employment,

tourism and community uses to support the rural economy provided a number of criteria are met. In my view, the supporting text makes it clear that this policy refers specifically to former agricultural buildings. I am not convinced it is directly applicable to the appeal proposal. However, even if the policy is applicable, the existing form and design of the building positively contributes to the character of the area. I can therefore see no conflict with this policy objective. Policy E4 advises, amongst other things, that in small village hamlets and the open countryside, new tourist facilities may be justified where, amongst other things, the proposal will reuse an appropriate building in accordance with policy E3. Again, I can see no direct conflict with this emerging policy position.

15. The Council have examined the extent to which these policies have been progressed and has explained that they were considered by the Examining Inspector in 2015. The Council go on to conclude that in the context of the Framework, the policies should be afforded a modest portion of weight and I can see no reason to disagree. Moreover, there is nothing contained within these policies which would lead me to reach a different conclusion on the main issue.
16. In terms of the issue of precedent, I have noted the Council's concerns in this regard. I have also noted the specific reference to proposals which may set an undesirable precedent for other sites within policy H2 (f). This text notes that proposals for additional dwellings, replacement dwellings or alterations to existing dwellings should not cumulatively result in a scale of development which would erode the character and environment of the area. The supporting text at paragraph 5.39 explains how small scale residential development in rural areas may have cumulative effects. As a holiday let proposal, I have already explained above why there is no harm to the character and appearance of the area. Moreover, each proposal must be considered in the context of the relevant development plan policies and on its own merits, as is the case here.
17. To conclude, the appeal site is located within a sustainable location and the proposal would not result in material harm to the character and appearance of the area. There would therefore be no conflict with the development plan policies outlined above, the emerging policy position or the Framework.

Other Matters

18. A number of third parties have raised the issue of the appellants health. This is not a matter which effects the conclusions I have reached on the main issue above.

Conditions

19. A number of conditions have been suggested by the Council. I have considered these in light of paragraph 206 of the Framework. A condition limiting the life of the permission is necessary. I also agree it is necessary to specify the approved plans as this provides certainty. I have also included a condition requiring details of the external materials to be submitted and approved by the Local Planning Authority. This is in order to ensure the appearance of the development is satisfactory. Furthermore, in order to protect the living conditions of the existing and future occupiers of the neighbouring dwellings, it is necessary to include a condition to prevent the addition of any further openings, extensions or outbuildings at the property. I have included within

this restriction the reference to extensions or outbuildings as these could also result in potential harm to the character and appearance of the area.

20. The property is to be used as a holiday let only. Accordingly, a restriction is required to restrict the maximum stay at the unit. The Council have suggested 'perhaps' an 8 week restriction however given the size and nature of the property, it is in my view reasonable to assume that a shorter period would be in order. I have therefore included a condition to restrict the period of occupation to a period of 6 weeks for any single letting, and there shall be no return within 6 weeks by the same occupiers. This condition is both reasonable and necessary to allow the Council to retain sufficient control over the holiday let permitted. Given the nature of the appeal proposal, the suggested reference to preventing any non-agricultural uses of any part of the site is not in my view reasonable, necessary or directly related to the development proposed.

Conclusion

21. For these reasons and taking into account all matters raised, the appeal is allowed.

Christa Masters

INSPECTOR