
Appeal Decision

Site visit made on 2 May 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/Q3115/W/16/3166122

Highclere, Thame Park Road, Thame OX9 3PN

- 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 M Baxter against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2377/FUL, dated 11 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is replacement of dilapidated outbuilding with a new residential annexe for elderly relative.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework), the proposal would constitute a sustainable form of development.

Reasons

3. Highclere is a detached dwelling fronting onto Thame Park Road, roughly ½ km to the south of Thame. The property occupies a deep plot and is surrounded on three sides by open fields. The rear garden contains a modern timber outbuilding which is positioned adjacent to the driveway close to the house, together with a utilitarian sheet metal clad garage/store at the far end of the plot. Beyond that, through a field gate and separated by post and rail fencing, is a rectangular parcel of land which resembles a grass paddock. It is here that the proposed annexe would be constructed.
 4. The annexe would contain all the necessary accommodation required for independent day-to-day living, including two en-suite bedrooms, an open plan living area and kitchen, utility room and artist studio. The building also has potential to have its own garden and parking.
 5. Paragraph 5.63 in the supporting text to saved Policy H13 of the South Oxfordshire Local Plan 2011 (SOLP) explains that proposals for self-contained units of residential accommodation within the gardens of existing houses, for occupation by staff and relatives, will be assessed on the basis of the housing policies of the plan.
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6. Saved Policy H4 of the SOLP and Policies CSR1 and CSS1 of the South Oxfordshire Core Strategy (2012) (SOCS) jointly seek to direct new housing towards the district's towns and villages in the interests of promoting a sustainable growth strategy. Saved Policy G4 of the SOLP restricts new built development in the countryside, except where it is required for the purposes of agriculture and forestry. Given its rural setting and location well away from the built-up area of Thame, the appeal proposal would be contrary to these policies.
7. The Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 49 of the Framework states that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework is thus engaged. This sets out that where relevant policies of the development plan are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The 'tilted balance' reflects the presumption in favour of sustainable development which lies at the heart of national planning policy.
8. I understand that the proposed annexe would accommodate the appellant's elderly mother-in-law. Her personal circumstances are not before me and therefore it is unclear whether there would be any significant need for care. Nevertheless, whilst there may be social benefits arising from the family living together as a single unit, I am not persuaded that this would necessarily be the case. The self-contained nature of the annexe, its level of accommodation and the distance to the main house (approximately 80 m) suggest to me that the proposal would operate to all intents and purposes as a separate dwelling. To my mind, a residential annexe should be ancillary to the parent property – in other words it should be subservient to and functionally dependent upon it in some way. That relationship would not exist here.
9. It is put to me that the shared access arrangement would somehow prevent the annexe from being occupied as a dwelling in the future. I am not convinced by this argument as the wide driveway could be reconfigured to create a dedicated access and new boundary treatment provided to prevent noise and disturbance for the occupiers of Highclere. Furthermore, there would be nothing in principle to prevent the modern outbuilding from being demolished or moved elsewhere on the site. However unlikely, I must consider this possibility.
10. The appellant contends that a planning condition along the lines of that set out in Appendix A of Circular 11/95¹ could be used to ensure that the development remains ancillary to Highclere. However, for the reasons I have explained above the scheme would be tantamount to creating a new dwelling. In my opinion the Council may find it difficult to resist an application to remove the suggested condition, were the annexe to become redundant in future. As such, it would not be reasonable and would not meet the tests set out in paragraph 206 of the Framework and the Planning Practice Guidance.
11. Although the annexe would replace an existing outbuilding, it would be materially larger and would also be on a different footprint further from the main house. The building would have the general proportions of a bungalow and its fenestration would give a far more domestic appearance. The use of timber cladding for the walls and a corrugated sheet metal roof would soften

¹ Use of conditions in planning permission

the appearance to a degree, but these materials would not provide adequate mitigation for the building's excessive scale, or prevent the incursion of built form into the open countryside. I am mindful that the exposed position means that the building would be highly prominent to the drivers and passengers of northbound vehicles on the B4012.

12. I therefore find that the proposal would cause material harm to the character and appearance of the area. This would be contrary to saved Policies D1, G2 and G4 of the SOLP insofar as they seek to protect the intrinsic character and beauty of the countryside and ensure that development respects its context.

Other Matters

13. In making the above planning judgements I have taken into consideration the fact that the current garage/store would be demolished. A condition could secure this if necessary. The appellant describes the existing building as dilapidated. Although in a poor state of repair the structure is not unattractive or out of character when viewed from outside the site. Consequently, I am not persuaded that its removal should carry significant weight in favour of the scheme.
14. It has been suggested that occupancy of the annexe could be controlled using a planning obligation. That option may assist the Council with future enforcement, but does not overcome my fundamental concerns regarding the scale and siting of the accommodation or its effect on the character and appearance of the area. In any event, whilst an example unilateral undertaking has been supplied, there is no completed planning obligation before me and therefore the matter has had no significant bearing on my decision.
15. Whilst I understand that the siting of the proposed building has been influenced by the route of an oil pipeline, I have seen nothing in writing from the operator of that infrastructure to confirm the precise alignment of the apparatus or the minimum easement required. I have given this factor limited weight.

Planning balance and conclusion

16. The appeal proposal would bring short-lived economic benefits during the construction phase. There would also be some social gains to the appellant's family in having an elderly relative living on the same site.
17. Notwithstanding the proposal to utilise sustainable construction techniques and renewable energy, the scheme would conflict with the environmental dimension of sustainable development by eroding the character and appearance of the countryside. Although the intended occupant does not drive, future residents of the annexe may, and therefore there would also be some harm arising from the increased need to travel by private car.
18. Taken in combination, these matters significantly and demonstrably outweigh the modest benefits outlined above. I therefore find that the proposal would not constitute sustainable development in terms of the Framework and Policy CS1 of the SOCS.
19. Drawing matters together, the proposal would conflict with the development plan as a whole. There are no material considerations to justify a making a decision otherwise than in accordance with adopted planning policy. Having

regard to all other matters raised, including the appeal decisions drawn to my attention by both parties and the support within emerging local plan policy for older person's accommodation, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR