
Appeal Decision

Site visit made on 2 May 2017

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/D3125/W/16/3162049

Lower Riding Farm, East End, North Leigh, Oxfordshire OX29 6QD

- 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 Vanbrugh Unit Trust against the decision of West Oxfordshire District Council.
 - The application Ref 16/01236/FUL, dated 15 April 2016, was refused by notice dated 15 July 2016.
 - The development proposed is change of use of one stone barn and refurbishment of an existing two storey farmhouse with attached barn, to create a total of two residential properties.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of one stone barn and refurbishment of an existing two storey farmhouse with attached barn, to create a total of two residential properties at Lower Riding Farm, East End, North Leigh, Oxfordshire OX29 6QD in accordance with the terms of the application, Ref 16/01236/FUL, dated 15 April 2016, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - a) the effect the proposal would have on the character and appearance of the Area of Outstanding Natural Beauty and on the significance of the North Leigh Roman villa;
 - b) whether the proposal comprises sustainable development.

Reasons

Character and appearance

3. The site is part of a cluster of buildings in a rural setting within the Cotswolds Area of Outstanding Natural Beauty (AONB). It is at the end of a lane leading from a bridleway. To the south of the site is an existing two-storey detached dwelling together with outbuildings within a garden. To the west is a Dutch barn on agricultural land.
 4. All the buildings within the site are unused and it has an overgrown and neglected appearance. As part of the scheme the derelict structures of a cow shed and tractor shed on the west side of the site would be removed. To the
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east of these is the stone barn that would be converted with demolition of lean-to attachments to form one dwelling. To the south is a former farmhouse, which with an attached barn would be restored to use as a single dwelling. Landscaping of the site would also form part of the scheme.

5. Overall there would be a significant reduction in the volume of buildings on the site, and what are currently unsightly structures would be removed or improved. The design approach, which the Council acknowledges as being generally sympathetic, seeks to retain the original character of the restored structures. Existing openings would be re-used where possible and new openings kept simple and in character. There would be no additions outside the existing building envelopes.
6. The scheme would create two relatively large residential curtilages within the former farmyard. There is no doubt that this would domesticate the site, but this would be done in a sensitive way and in keeping with the setting. New boundary structures, including a new low stone wall, to enclose garden/courtyard and parking areas would be limited, and the details of these could be the subject of a condition to ensure that they are appropriate. The provision of any future additional built structures could also be restricted by condition.
7. Policy BE10 of the West Oxfordshire Local Plan 2011 (adopted 2006) deals with the conversion of unlisted vernacular buildings. This requires that such a conversion should not extensively alter the existing structure or remove features of interest, or include extensions which would obscure the form of the original building. Neither requirement would be breached in this case. The sense of the open nature of the former farmyard and of the original relationships between the buildings would be reasonably preserved, and the requirements of the West Oxfordshire Design Guide 2016 in this respect would be met.
8. In distant views the development would be perceived as a cluster of traditional, converted agricultural buildings, in keeping with the surroundings.
9. The bridleway by which the site is reached is an unmade track extending some 750m from the junction with the road at its southern end. The track is fairly steep in its southern section. The bridleway is currently used by vehicles, but it is generally narrow and there are few opportunities for these to pass other users including pedestrians and horseriders. As part of the appeal scheme it is proposed to carry out some improvement works to the bridleway. According to the appellant, these emerged from discussion with Oxfordshire County Council's footpath officer. The works are intended to ensure that there are passing places at regular intervals which are wide enough to allow vehicles, pedestrians and equestrians to pass safely.
10. At the bridge which crosses a railway line in the northern section of the bridleway a new passing place would be added to the north of the bridge as an addition to the existing two wider points to the south, involving a levelling of the verge. With the presence of the bridge structure this would have no harmful effect on the character of the track. At the junction of the access to the site with the bridleway, only a small amount of hedgerow would need to be cut back to improve visibility.

11. In the southern section of the bridleway, passing is already possible at the locations of two existing side access points. Two new passing places would be added in between these. They would involve localised removal of verge to enable the widening, and probably some cutting back of hedge. However, existing stone walling would be retained, and there would be very limited intrusion on the lane's mature hedgerow.
12. In a number of areas it is proposed that the condition of the track surface would be improved, including by filling in potholes. It is also proposed that some warning signage for users of the track would be put in place.
13. Overall these works would have only a minor effect on the appearance of the bridleway. The changes would be in keeping with existing features along it, and there would be no material alteration to its character as a reasonably well used rural track enclosed by hedgerows and other boundaries. The Council's contention that the works would have an unacceptable urbanising impact on the bridleway does not reflect the limited extent and nature of what is proposed.
14. The proposed dwellings on the site would generate new vehicle movements. However, these are likely to be restricted in number, with no dispute by the Council of the appellant's estimate in the application's Design and Access Statement of less than 10 movements per day. The increased extent of vehicle use of the bridleway would be compensated for by the improved ability for vehicles to pass other users. The County Council's highways officer considers that, subject to the improvements referred to above being implemented, the proposal would not have a significant detrimental effect in terms of highway safety and convenience on the local road network, and I have no reason to conclude otherwise.
15. A further consideration is the nearby presence of North Leigh Roman villa. This is a scheduled ancient monument which lies some 400m to the south of the buildings on the appeal site. The excavated complex reveals above ground remains, which are partly covered but mostly in the open air. These indicate the courtyard arrangement of a large luxurious villa, with many rooms and some mosaic pavements. The villa was built in three phases of construction, the first beginning in the second century.
16. The monument is under the guardianship of English Heritage, and there is open access to the public. The Council advises that it is well visited on a casual basis as well as by historical researchers, and including by parties of school children. My visit confirmed that it is set within tranquil, rural surroundings. The monument lies to the east side of the bridleway which links with the appeal site, and the main approach to it is along the bridleway from which it is reached by a short access lane. There is a layby parking area on the road to the south where the bridleway joins this, with signposting to the villa. It could be expected that visitors to the monument would generally arrive on foot along the bridleway. From the bridleway the villa complex is apparent first in glimpsed and then more open views over the lower ground.
17. The monument is a designated heritage asset. It has obvious strong archaeological and historic significance. In addition to its importance for serious research, it has educational and cultural value in terms of a general knowledge of Roman Britain, including its geographical spread, its form of architecture and features of domestic and agrarian life. The present rural

setting of the monument contributes positively to these aspects of significance and the ability to appreciate them.

18. Lower Riding Farm, in addition to distance, is separated from the monument by trees, a railway line and topography. There is no obvious inter-visibility. The proposed development works to the buildings in the appeal scheme would not affect the significance of the monument by way of any impact on its setting.
19. As an approach to the monument the bridleway forms part of its setting. However, with the conclusion reached above, there would be no material change in the character of the bridleway from the proposed works to it. Any erosion in the quality of the experience for visitors caused by additional vehicle movements would be balanced by the improved safe provision for passing, with an overall neutral effect on the ability to appreciate the monument. There is no firm evidence that the works would harm any important heritage features associated with the track itself.
20. The significance of the heritage asset would not be diminished by the proposal. There would be no breach of policy BE12 of the Local Plan which seeks to prevent adverse effects on archaeological monuments.
21. Policy NE4 which gives great weight to the conservation and enhancement of the natural beauty of the landscape and countryside of the Cotswolds AONB and policy TLC8 which seeks to safeguard the existing public rights of way network are also complied with. The protection of the countryside given by policy NE1 and the development standards of policy BE2 would similarly not be breached.

Whether sustainable development

22. The site is some 4.9km from the nearest local service centre at the village of Long Harborough, with the town of Witney some 8.7km away. There is agreement that this is an isolated location in the countryside. It could be expected that almost all trips from the dwellings would involve use of the private car.
23. Paragraph 55 of the National Planning Policy Framework sets out that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It indicates that new isolated homes in the countryside should be avoided, but with the proviso 'unless there are special circumstances'. One example given of these exceptions to the normal location preference is where a development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Having regard to my findings above, I consider that the proposal would provide such an enhancement. The suggested abandonment of the farmhouse and barn on the site does not preclude them from being buildings which fall within this provision. The proposal therefore does not conflict with the Framework in this respect.
24. Policy H10 of the Local Plan deals with the conversion of existing buildings to residential use in the countryside and small villages. Conversion is to be permitted in either of two exceptional circumstances and where the retention meets overall sustainability objectives. The first of these circumstances is that the building is not suitable or reasonably capable of re-use for employment purposes, recreational or community uses, visitor facilities or tourist

accommodation, and it is demonstrated that its retention can only be secured through its conversion to residential use. The finding of the appellant's viability exercise that only conversion of the appeal site's retained buildings to dwellings is viable has not been disputed.

25. The policy goes on to set out the following additional criteria: that the building is of substantial construction and capable of accommodating residential use without major reconstruction or significant enlargement; and that the building makes a positive contribution to the character and appearance of the area. No challenge to the proposed conversion of the appeal buildings is made by the Council on the basis of these points not being satisfied. In these respects I find that the proposal accords with the policy.
26. Paragraph 14 of the Framework sets out what its presumption in favour of sustainable development means for decision taking. The first part is that development proposals that accord with the development plan should be approved without delay. In this case I consider that there is overall compliance with the development plan taken as a whole. The second part is that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. The Council accepts that its policies for the supply of housing are out-of-date by virtue of an absence of an identified five-year housing land supply. There are no specific policies in the Framework to indicate in this case that development should be restricted, having regard to my positive findings above on heritage and AONB matters. The proposal would provide the benefits of additional dwellings and a local environmental enhancement, and there are no adverse impacts such as to significantly and demonstrably outweigh these.
27. The conclusion in this policy context is that the proposal amounts to sustainable development and accords with the development plan. The content of the emerging development plan does not alter the acceptable degree of compliance of the proposal with local and national policy.

Conditions

28. A condition specifying the relevant drawings is needed to provide for certainty. The development should be carried out in accordance with details submitted for approval on materials, landscaping (including tree protection) and boundary treatments in order to safeguard the character and appearance of the site and the AONB.
29. Construction should be in accordance with an approved method statement to protect this part of the AONB. This should include the temporary provision of an alternative route to the bridleway while the works take place, as proposed by the appellant. The bridleway improvement works should be secured in accordance with approved details to ensure satisfactory access provision.
30. In view of the previous use of the site a condition on contamination is needed to safeguard future occupiers and the environment. Sustainable drainage provision should also be made to protect the environment. No local policy has been brought to my attention which would justify a specific energy efficiency standard for the dwellings and I do not impose a condition on this.

31. Withdrawal of certain permitted development rights is warranted by the particular design qualities of the site and conversion scheme within the AONB.
32. The application was supported by an appropriate ecological survey report. As recommended by the Council's ecology officer, a condition requiring the development to be carried out in accordance with the mitigation strategy set out in this report is needed to safeguard species habitats, and would ensure that biodiversity requirements are met.

Conclusion

33. For the reasons given above I conclude that the appeal should be allowed.

T G Phillimore

INSPECTOR

Schedule of 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: 14124 001B, 002E, 010D, 011D, 012A, 013A, 014A, 015B, 015C, 016C, 100D, 101C, 104B, 105B, 106A, 110C, 111C, 112D, 113D, 114C, 130A, 131A, 132, 133, 134, 150.
- 3) No development shall commence until samples of the materials to be used in the alteration of the external surfaces of the retained buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) 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 the buildings 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.
- 6) No development shall commence until details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) measures to control the emission of dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) delivery, demolition and construction working hours;
- viii) a construction traffic management plan which shall include the provision of a temporary route as an alternative to the bridleway.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No development shall take place until full details of the proposed improvement works to the bridleway as set out in the Design and Access statement are submitted to and approved in writing by the local planning authority. The works shall be carried out in full prior to the first occupation of the dwellings hereby permitted.
- 9) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 10) The dwellings hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable

drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected and no means of enclosure shall be erected or altered other than those expressly authorised by this permission.
- 12) The development hereby permitted shall only be carried out in full accordance with the mitigation strategy contained in sections 5, 6 and 7 of the submitted ecological report (Windrush Ecology Ltd August 2014) and illustrated on the strategy plan. All mitigation and enhancement works shall be completed before the dwellings are first brought into use and all mitigation shall be permanently retained thereafter.