The Planning Inspectorate

Appeal Decision

Site visit made on 20 June 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/C3105/D/17/3175683
Otmoor House, High Street, Charlton on Otmoor, Oxon OX5 2UG

- 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 John Littlewood against the decision of Cherwell District Council.
- The application Ref 17/00138/F, dated 6 January 2017, was refused by notice dated 16 March 2017.
- The development proposed is proposed first floor extension over existing single storey extension to provide bedroom with ensuite.

Decision

1. The appeal is allowed and planning permission is granted for proposed first floor extension over existing single storey extension to provide bedroom with ensuite at Otmoor House, High Street, Charlton on Otmoor, Oxon OX5 2UG in accordance with the terms of the application, Ref 17/00138/F, dated 6 January 2017, and the plans submitted with it, 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: block plan, Littlewood/S1/P/04, and Littlewood/S1/P/05 and Littlewood/S1/P/06.

    3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. Littlewood/S1/P/06.

Main Issue

2. The main issue is whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy.

Reasons

3. Otmoor House is a large stone built property within a village location washed over by the Oxford Green Belt.

4. Policy ESD 14 of the Cherwell Local Plan (LP) adopted 2015 states that development in the Green Belt will be assessed in accordance with government guidance within the Framework and the Planning Practice Guidance.

5. The Government attaches great importance to Green Belts. As such, Paragraph 89 of the Framework sets out that the construction of new buildings within the Green Belt should be regarded as inappropriate. The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is one of the six categories of exceptions listed in the Framework. The Framework does not provide any guidance as to what constitutes disproportionate. Therefore, in the absence of further guidance it is a matter of judgment. However, the glossary to the Framework helpfully sets out that an original building is a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

6. The essential characteristics of Green Belts are their openness and permanence. I have been referred to the planning history of the site. However, from the evidence which has been provided to me it is difficult to conclude with any certainty as to the size of both the original house and associated outbuildings in 1948.

7. The Framework does not differentiate between dwellings and other buildings. Consequently, there is no need for me to consider in detail, or conclude, whether the buildings which existed in 1948 should be treated as extensions or outbuildings.

8. Nonetheless, I have been provided with a map extract from 1922 which, together with the survey accompanying CHS 642/87, appears to suggest that the footprint of the property and associated buildings had been quite sizeable. However, I am aware that the Framework refers to a disproportionate increase in size rather than floor area.

9. At my site visit I was able to observe the host property extended almost the length of the appeal site and included a separate playroom/ store. In the absence of accurate figures relating to the size, rather than floor area of the original dwelling and its associated outbuildings, the cumulative figure for the existing additions or replacement buildings and the proposed extension, I must consider whether the appeal proposal would be disproportionate on the basis of the limited evidence before me.

10. From what I have read and seen, notwithstanding the limited evidence and the lack of detailed planning guidance within the LP, I conclude, on the balance of probability that the proposal would not result in a disproportionate addition over and above the buildings that were on site in 1948.

11. The extension would inevitably have some effect on the openness of the Green Belt. However, I have concluded that it would not be a disproportionate addition to the original buildings on the site. Accordingly, the effect on the openness would be limited and would not cause material harm to the Green Belt. Therefore, it would accord with Policy ESD 14 of the LP, and the provisions of the Framework.

Other considerations

12. The appeal proposal lies within the Charlton on Otmoor Conservation Area. The Council considers that the design of the proposed development would be in keeping with its surroundings and as such would preserve the character and appearance of the CA. There is nothing before me to suggest otherwise.

13. Matters relating to potential fall back positions, reference to other extensions allowed within the district, permitted development rights, or other district's planning policies have not been determinative in my consideration of the appeal before me,

Conditions

14. For the avoidance of doubt and in the interests of proper planning I attach a condition clarifying the approved plans. A condition requiring that the development is carried out using the materials referred to within the plan is necessary to ensure a satisfactory appearance.

Conclusion

15. For the reasons given above the appeal is allowed.

L. Nurser

INSPECTOR