
Appeal Decision

Site visit made on 27 June 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/V3120/W/17/3171172

95 Drayton Road, Sutton Courtenay, Abingdon, OX14 4HB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr S Wilson against the decision of Vale of the White Horse District Council.
 - The application Ref. P16/V2999/FUL, dated 29 November 2016, was approved on 3 March 2017 and planning permission was granted subject to conditions.
 - The development permitted is the "proposed erection of a barn style dwelling, together with the erection of pergola and patio area. (Amended by drawing numbers P2A, P3B, 4B and 5B, received 7 February 2017; side extension removed and pergola added).
 - The condition in dispute is No. 1 which states that: The development hereby approved shall be carried out in accordance with the details shown on the following approved plans P1, 4B, P3P, P2A and 5B except as controlled or modified by conditions of this permission."
 - The reason given for the condition is "To secure the proper planning of the area in accordance with Development Plan policies."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the plans approved by condition No.1 can be amended by plans previously superseded;
 - Whether condition No.1 serves a proper planning purpose and meets the tests of conditions set out in the National Planning Policy Framework (the Framework);
 - and, whether varying the condition as requested would be consistent with the provisions of the development plan.

Reasons

Background

3. The appeal site comprises a rectangular area of land set back behind a frontage property in a ribbon of development in open countryside. It is apparent from the planning history of the site that there was previously a single storey barn in existence which was allowed to be used for 'purposes incidental to the dwelling

house' in 2013. A subsequent application in 2015 allowed the residential conversion of the existing barn to create a two bedroom dwelling. However, it appears that the barn collapsed and planning permission was subsequently granted to rebuild the barn with what the Council describe as a structure that matched the previous one. Finally, permission was granted under application P16/V2999/FUL (the subject of the appeal) for a larger building in a linear style.

4. The Council advises that the plans that were initially submitted with application Ref. P16/V2999/FUL included a side extension to the building containing a lounge but this was considered to be unsympathetic to the character and form of the previous barn which the new dwelling was intended to replace. Council officers advised the appellant that in order for the scheme to be acceptable, the scheme would need to be amended. The revised plans, as specified in condition No.1 were submitted on the 7 February 2017 and in due course planning permission was granted on the 3 March 2017 subject to conditions including No.1 as described in this appeal.
5. At my site visit I noted that the construction of the new dwellinghouse was well advanced but the 'L' shaped extension had not been built above ground level.

The principle of amendment

6. In considering the original plans as a subsequent amendment at appeal, the appellant's agent says that the change is consistent with the legal principles set out in the case of *Wheatcroft*¹. In this the Court held that the main criterion is whether the nature of the revised development is so changed that it would deprive others who should have been consulted on the difference the opportunity for such consultation.
7. The Council does not object to the principle of the original plans being considered within this appeal under *Wheatcroft*, and it appears to me that the general description of the development as a 'barn style' dwelling is similar, and that the local community would have had the opportunity to make representations on this appeal. I therefore see no objection in principle to the original plans being considered.

Nature of the condition

8. The substance of condition 1 is to make clear that the plans that were approved were the amended plans received on the 7 February 2017 and not the plans originally submitted. Further it was the appellant's clear intention to revise the plans on the basis of the advice he was given. The Appellant could have required the Council to make a formal decision on the original plans.
9. I am satisfied that the form of condition 1 is precise, reasonable, necessary and enforceable and relevant to planning and the development permitted. It therefore meets the tests set out in paragraph 206 of the Framework.

Consistency with the development plan

10. The reason put forward for the imposition of condition No.1 refers to the proper planning of the area in accordance with development plan policies. The Council says that the relevant criteria are those within saved Policy GS7 of the Vale of

¹ *Wheatcroft v SSE* [1982] JPL 37

the White Horse District Council Local Plan 2011, adopted in 2016. This sets out criteria for the re-use of vernacular buildings in the countryside outside settlements. The policy indicates that a suitable building for conversion should be of permanent and substantial construction which is capable of conversion without major rebuilding extension or alteration. Although the original building collapsed it is clear to me that the new dwelling was approved in this countryside location, where other new development is unlikely to have been permitted, because of the presence of the barn. Even though a wholly new building is now permitted and under construction, it is reasonable that the design and form of this is based on and takes account of those aspects of the previous building.

11. To my mind the dwelling shown on plan P3B (the amended plan submitted) shows a simple barn like building with a linear form which is said to relate well to the previous barn like structure, even though the appellant's agent says that the original structure had a corrugated iron roof and blockwork walls. The side cats-slide extension is visually subservient and well integrated into the form of the main building and does not dominate or change the character of the building.
12. In contrast, the further extended structure with the additional lounge and increase in the dining area does result in a material change to the overall appearance of the building. The simple linear form would be lost as the width of the extension, and the addition of the gable roof abutting the original roof, would give rise to a significant visual bulk as shown on the north and south elevations. The character of the building would therefore change fundamentally to that of a general bungalow rather than a building with the appearance of a barn.
13. Overall, I agree with the Council that while the erection of a new dwelling on the site has been agreed, the form of the original plans, which the appellant now seeks to turn to, would not be well related to the form of the original building on the site and this would be at odds with the aims of the development plan policy to limit new development in this area of countryside to buildings which have a vernacular style and materials which contribute to the landscape and history of the area.
14. I therefore find that there are sound planning reasons why the plans P2A, P3B, 4B and 5B, should not be substituted by other plans.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR