
Appeal Decisions

Hearing Held on 17 October 2017

Site visit made on 17 October 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 9 November 2017

Appeal Ref: APP/C3105/W/17/3179129

Shipton Manor, Shipton on Cherwell, Kidlington, Oxfordshire OX5 1JL

- 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 Ng against the decision of Cherwell District Council.
 - The application Ref 17/00356/F, dated 15 February 2017, was refused by notice dated 12 April 2017.
 - The development proposed is extensions to Shipton Manor House and associated outbuildings, conversion of outbuildings to wine store and pedestrian link; creation of new driveway from existing access and alterations to existing access; removal of existing internal tarmac roads.
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Appeal Ref: APP/C3105/Y/17/3179140

Shipton Manor, Shipton on Cherwell, Kidlington, Oxfordshire OX5 1JL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Ng against the decision of Cherwell District Council.
 - The application Ref 17/00357/LB, dated 15 February 2017, was refused by notice dated 12 April 2017.
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Decisions

1. The appeals are both dismissed.

Main Issues

2. The main issues in these appeals are;
 - Whether the proposal amounts to inappropriate development in the Green Belt
 - The effects of the proposal on the listed building and its setting
 - Whether there are any other matters which are capable of outweighing the harm to the Green Belt and other harm.

Reasons

3. These appeals relate to Shipton Manor which a grade II listed building sitting within the *Hampton Gay, Shipton on Cherwell and Thrupp Conservation Area*. The site and the surrounding area are within the Oxford Green Belt.

Whether the proposal amounts to inappropriate development in the Green Belt

4. The appeal site includes the main house, its immediate outbuildings and parts of the surrounding open land. The appellant's and the Council's cases include discussions on the authorised use of the area of land intended for the garage extension and other elements. The Council considers that its authorised use is not residential but agricultural and the appellant is of the contrary view. I have been provided with much supporting information. In short, my view is that this area of land benefits from residential use as it was included within the red line for a planning application (Ref 95/01993/F) which granted a change of use to residential in 1996. I do not accept the Council's arguments that merely because the description of that application did not include a reference to the use of the land for residential purposes, it cannot be seen as residential land. Indeed, the Council's statement suggests that the residential use was for the buildings only; this would be illogical and unreasonable in my view as it would, therefore, exclude the use of any of the surrounding driveway, hardstanding, immediate gardens etc from use for residential purposes. Therefore, I do not find that the proposal includes a change of use of agricultural land, as suggested by the Council.
5. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, with a few exceptions. The third such exception is for an extension of a building providing that it does not result in disproportionate additions over and above the size of the original building. Policy ESD 14 of the Cherwell Local Plan Part 1, adopted in 2015, states that development within the Green Belt will be assessed in accordance with the Framework and the PPG and will only be permitted if it maintains openness and does not conflict with the purposes of the Green Belt. Neither the Framework nor the Local Plan offer any definition of what may be considered disproportionate, in this respect.
6. It is agreed between the main parties that the proposal would represent an increase of 48% in floor area, when compared to the original building (as it stood in 1948). The garage extension would be set within falling ground to the south-west of the house and would accommodate 3 garages, a gym, a workshop and various stores and plant room. It would be linked to the existing buildings by an extension and stairs. The main body of the extension would measure about 14m by 23m with a height shown to be 3.8m at its maximum. It would be partly set below ground level and would have a flat roof which is indicated to contain some hedge planting and glass screens. The proposal also includes other smaller extensions which I have taken into account. I was also advised at the Hearing that permission has been granted by the Council for a conservatory extension which would represent an increase of 6% to the original house, as defined above.
7. I have considered the fact that some of the proposed extension would be built into the ground, although some of this would be as a result of raising the

existing ground levels around the proposed extension. However, in my judgement, the proposal would appear large in itself and due to its separation from the main body of the house it would appear as an isolated entity rather than a well-integrated addition. I consider that it would have a considerable presence as a result of its form and size. Taking account of the resultant increase as a proportion of the dwelling, as set out above, I consider that it represents a disproportionate addition. As a result, I find that the proposal constitutes inappropriate development in the Green Belt which is harmful by definition. I attach considerable weight to this harm in determining this proposal.

8. In relation to this issue (and others) the appellant makes reference to planning permission previously granted by the Council for an extension to the property, then used as a recording studio, in 1990 (Ref CHS.LB.591/90) and I have been provided with some details. This permission was not implemented and has lapsed. Although Green Belts have been in existence for some considerable time, the Government's policy has been expressed in a number of documents which includes several changes since permission was granted. Local policies have also undergone a number of changes. In my view, the time scale involved, the changes to policies both National and local and the fact that that planning permission has long since lapsed mean that I shall afford this only limited weight in my consideration of this scheme.

The effects of the proposal on the Listed Building and its setting

The garage extension

9. The proposed garage extension has been partly described above. In relation to its effects on the listed building it should also be noted that its elevations would contain large garage doors and large windows, which would not match those on the main building, but would in my judgement clash with them due to their size and proportions. In addition, its flat roof and large block-like appearance would be unsympathetic to the design and proportions of the main building. The proposal would appear harsh and incongruous in comparison to the composition of the Manor and its other additions. Whilst it is sometimes possible to achieve an appropriate addition to a historic building by using modern design, for the reasons stated, this has not been achieved here. What would result would be a rather cumbersome addition which would have a negative effect on the listed building.
10. In relation to setting, I consider that the open, green and semi-rural character of the land surrounding the existing cluster of buildings contributes positively to the significance of the listed building. It preserves these historic structures as a tight-knit group and reinforces their status. I consider that the erosion of this openness with a building of these proportions and appearance would be harmful to the significance of the listed building.

The link extension

11. The existing 'cloisters' form a U shaped narrow building which would be converted to enclosed storage areas. It is currently separated from the main house by a narrow gap, which is partly bridged by a doorway and stone surround. The Council is concerned that this would result in the loss of the historic separation of the main house and the outbuildings, removing the historic functional relationship.

12. The proposed link extension would have a hipped roof of the same height and materials as the cloisters. It would be seen within the enclosed space of the courtyard formed by the cloisters but would not be seen in views of the front elevation of the house due to the existing doorway. When seen against the main house, the link would be modest in floorspace and height. Although it would physically link the 2 buildings, I consider that the strong visual differences between the buildings would remain and there would be no confusion in relation to the status of the 2 buildings. I find no harm arising from the provision of the windows in the proposed link as it would represent a transition between the house and the stores and contains elements common to both. As a result, I consider that this extension would preserve the significance of the listed building.

The driveway

13. The appellant has suggested that this element of the proposal could be undertaken as permitted development. No application for a Certificate to confirm this has been made and the Council did not offer any comments to confirm that this may be the case. It is not for me to assess whether this could be undertaken as permitted development and as it clearly forms part of the proposals for the appeal scheme, I shall determine it accordingly.
14. The proposal would use an existing access from the road (although this appears to be unused or little used at present) and form a new driveway running to the proposed new garage extension. This would be well over 100m in length and would run close to the large pond within the site. Rather than forming a grand entrance drive, the appellant's intention is to create a discretely positioned driveway. In this respect, it would be sited on lower land and rather than running up to the main west elevation of the house, it would be set to one side.
15. Notwithstanding the efforts that have been made to site the drive as unobtrusively as possible, I consider that it would have an inevitable erosive effect on the important open and semi-rural character of the site due to its length and form. As a consequence, it would fail to preserve the significance of the listed building.

Other Matters

16. The appellant does not seek to argue that the proposal relies on other matters to outweigh any Green Belt harm but seeks to demonstrate that the proposal represents development that is not inappropriate or harmful to the Green Belt.
17. I have taken account of the previous permission granted for an extension to the property and a driveway. The fact that this has lapsed some considerable time ago and cannot represent a fall-back is clear. Although the legislation relating to Listed Buildings remains as it was when that historic scheme was granted, local policies, Government guidance, case law and relevant documents published by other bodies including Historic England mean that views and interpretation have evolved considerably. I consider that a fresh consideration of this different new scheme is justified and should not be unduly hindered by events over 25 years ago.
18. I have considered all other matters put forward by the appellant, including the removal of the tarmac track, the renovation of the out-buildings and the

likelihood of the removal of some cars parked on the frontage of the site but I consider that these are insufficient to clearly outweigh the harm that would arise from the scheme. I can see no public benefits that are sufficient to outweigh the harm to the listed building that I have identified.

Conclusion

19. For the reasons set out above, the proposal represents inappropriate development in the Green Belt which is harmful by definition. There are no considerations sufficient to clearly outweigh this harm. The 'less than substantial harm' to the listed building and its setting is not outweighed by any public benefits. Therefore, the proposal is contrary to Policies ESD 14 and ESD 15 of the Cherwell Local Plan 2011 -2031 and saved Policy C18 of the Cherwell Local Plan 1996 and the National Planning Policy Framework. As a consequence, the appeals are dismissed.

S T Wood

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

N Cobbold
S Hall
S Watt
K Tollet

FOR THE LOCAL PLANNING AUTHORITY:

M Chadwick
J Ballinger
N Stock

INTERESTED PERSONS:

A Milne Home

DOCUMENTS

1. Planning application form for change of use to residential use.
2. Conservation officer comments on previous scheme
3. Plans indicative of a light-weight link