



Appeal Decision

Site visit made on 15 January 2018

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 23rd January 2018

Appeal Ref: APP/C3105/W/17/3181034

The Poolhouse, 57 West End, Launton, Bicester, OX26 5DG

- 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 Richard Walker against the decision of Cherwell District Council.
 - The application Ref 17/01008/F, dated 3 May 2017, was refused by notice dated 10 July 2017.
 - The development proposed is a change of use of a pool house to a self-contained dwelling and the erection of a new double garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the pool house is an appropriate location for a dwelling having particular regard to the character of the surrounding area.

Reasons

3. 57 West End is a detached dwelling which has a garage, driveway and vehicle access to the front. The curtilage to this property used to include a swimming pool building and garages at the end of what was the rear garden but this has since been separated from No 57 by close board fencing. There is, however, vehicular access to the pool house and garages via the adjacent track/footpath.
4. The proposal is for the conversion of the pool house into a self-contained dwelling. Policy H19 of the Cherwell Local Plan (1996) relates to the conversion of rural buildings located beyond the 'built-up limits' of settlements. Policy Villages 1 of the Cherwell Local Plan Part 1 (2015), however, deals with residential development within the 'built-up limits' of settlements.
5. There is no defined boundary to the village of Launton. The main parties are therefore in disagreement as to whether or not the pool house falls within the 'built up limits' of the village. I note the findings of a fellow inspector in respect of an application for a new dwelling in Launton where, in considering the extent of the 'built up limits' of the village, he stated "*I consider that for an area to be 'built-up' it should include a substantial amount of built form and display a clear urban grain*" (ref APP/C3105/A/11/2152481). I consider this is a logical interpretation of the above planning policies.

6. The area immediately surrounding the pool house is largely undeveloped land free from built forms, be it the large residential gardens belonging to No 57 and 51 West End or countryside. As such I find that the pool house falls outside of the 'built up limits' of Launton. Policy H19 therefore applies. This sets out that the conversion of a rural building to a dwelling in a location beyond the 'built-up-limits' of a settlement will be favourably considered provided, amongst other things, it would not cause significant harm to the character of the countryside or the immediate setting of the building.
7. It is reasonable to assume that the pool house, when used in connection with No 57, would have attracted far less human activity on a day-to-day basis than it would as a self-contained dwelling in its own right. Furthermore, whilst I accept that the garages and vehicular access adjacent to the pool house were previously used in conjunction with No 57, there is, as noted above, access and parking immediately to the front of this property which would have been far more convenient for its occupiers to use due to its close proximity to the house. It is likely, therefore, that the access and parking to the front of No 57 would have been used more frequently than that to the pool house.
8. The supporting text to Policy H19 explains the importance of protecting the character of the countryside and how residential use can bring with it characteristics which are difficult to reconcile with such areas. With the above points in mind the change of use of the pool house would bring with it a material increase in human activity, the effects of which would be increased noise and light pollution and would include increased vehicle movements along the adjacent track. This would be undesirable in what is predominantly a quiet, undeveloped, rural area and as such would be harmful to its character. The proposal would therefore conflict with Policy H19 which seeks to protect against such harm.
9. Although Policy H19 was adopted prior to the publication of the National Planning Policy Framework (the Framework) and has been 'saved', this does not mean it should automatically be considered out-of-date. Rather due weight should be given to it according to its degree of consistency with the Framework. In that Policy H19 seeks to protect the character of the countryside it is consistent with Framework which similarly requires the planning system to contribute to conserving and enhancing the natural environment. Therefore I considered it can be afforded significant weight in this appeal.
10. The appellant refers to the Mixed Use – Employment and Housing designation for South East Bicester to the south of the appeal site. However, from the limited evidence before me in respect of this, the distances involved would mean it would not alter the immediate context of the appeal site. I therefore afford this matter only limited weight.
11. I note that the pool house was the subject of a Certificate of Lawful Use (ref 16/00078/CLUE). However, the appeal before me concerns the conversion of the pool house to a dwelling which is a materially different development. That the occupants of the pool house as converted would be family of the appellant does not alter my findings above in terms of harm to the character of the area and any antisocial behaviour associated with the pool house or its falling into disrepair could be resolved in a way which did not result in such harm.

Conclusion

12. As outlined above the proposed change of use would be harmful to the character of the surrounding area. I have had regard to all matters raised, including that the development would add to local housing supply, albeit to a very modest degree, and would be within walking distance of local services and transport links. However, these do not outweigh the harm I have found. Consequently the appeal is dismissed.

Hayley Butcher

INSPECTOR