
Appeal Decision

Site visit made on 23 July 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/Q3115/W/19/3228666

**Land to the south of Northend Road, Christmas Common, Watlington
OX49 5HW**

- 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 Lesley Tilbury against the decision of South Oxfordshire District Council.
 - The application Ref P18/S2822/FUL, dated 16 August 2018, was refused by notice dated 26 February 2019.
 - The development proposed is the change of use of the existing barn to a small residential dwelling and modifications to facilitate the change of use.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect on the character and appearance of the area and the landscape of the Chilterns Area of Outstanding Natural Beauty.

Reasons

3. This is a proposal to change the use and convert a barn to create a dwelling in the open countryside around Christmas Common and within the Chilterns Area of Outstanding Natural Beauty (AONB). The site is part of a field that has an open rural appearance. The field is bound by a mixture of mature trees, hedgerows and some more recent planting. The barn is a modern steel frame construction with timber cladding to the walls and corrugated sheeting to the roof. It is completely enclosed on three sides and partially open on the East elevation.
4. The South Oxfordshire Local Plan 2011 (LP) was initially adopted in January 2006 with a 'strike-through version' on adoption of the South Oxfordshire Core Strategy. Saved Policy E8 of the LP relates to the re-use of rural buildings and sets out a permissive approach subject to several criteria. These include that the building should be of a permanent and substantial construction and capable of conversion without major or complete reconstruction. Furthermore, proposals should be in keeping with their surroundings, and the fabric and essential character of the building should be maintained. Additionally, other uses should have been explored and found to be unacceptable in planning terms.

5. Furthermore, saved Policies C4, G2 and G4 of the LP seek to protect the landscape setting of the area's settlements, protect the countryside, settlements and environmental resources from adverse developments and protect the countryside for its own sake, noting the latter as an important consideration. Pursuant to these objectives the Chilterns Buildings Design Guide (prepared February 2010) provides guidance on development within the AONB. I note that this is not an adopted part of the development plan and therefore, whilst I have had regard to the document as guidance, I afford it limited weight.
6. The South Oxfordshire Core Strategy (CS) was adopted in December 2012. Policy CSEN1 seeks to protect and where possible enhance landscape character and key features. Where development is acceptable in principle measures will be sought to integrate it into the landscape. Within its AONBs high priority will be given to conservation and enhancement of the landscape. Where there is no conflict with this aim encouragement will be given to schemes that support the economies and social well-being of the communities of the AONB.
7. The Watlington Neighbourhood Development Plan 2017-2033 (NP) was 'made' in August 2018. Policy P3 seeks to conserve and enhance the natural environment by protecting views of and from the AONB and limiting the impact of light pollution.
8. The supporting text of saved Policy E8 of the LP at paragraph 6.36 details that conversion to residential use inevitably involves major changes to the fabric of a building, its external appearance and its setting in the landscape. Additional to the works to the building, works to the site to enclose it and form a garden area increases the impact on the landscape.
9. Furthermore, it sets out that the council's policies for the location of new residential development are intended to protect the countryside. It goes on to state that they will apply equally to proposals to convert rural buildings to residential use, unless, the building makes a contribution to the landscape, and should be retained for that reason, and other uses are demonstrably impractical. Therefore, in this policy context and to fully appreciate the effect of the proposals on the character and appearance of the area and the AONB, it is important to consider the contribution the building makes to the landscape and the practicality of other uses.
10. The existing timber clad barn is located within a corner of the field and is either obscured from wider view by existing trees or viewed against the dark backdrop of the same boundary tree belts. Furthermore, it is located at a point furthest most from the highway and public rights of way. It has a utilitarian form and is modest in scale and massing. Additionally, the dark materials help it to assimilate into the landscape. The mono-pitched shallow roof form contributes to a clearly modern form. It is set within a rural context commensurate with the existing land use. I would consider that the existing building has a neutral impact in this context, contributing neither positively, nor negatively to the character and appearance of the area and the landscape of the AONB.
11. I have limited information as to whether other uses may be impractical, however, it is evident from my site visit that the building is in a good condition and clearly capable of continuing to have a function in connection with current land use management. The appellant has pointed out that other uses such as in

connection with rural business and holiday lets have been considered and discounted. Some justification for this is provided and this is not a matter challenged by the Council. Nonetheless, retaining the building for its current use, and for which it was constructed circa 10 years ago, appears quite a reasonable alternative from my observations. Moreover, I find that the building does not contribute to the landscape.

12. Therefore, in accordance with saved Policy E8 of the LP, and in order to fully assess the implications of the proposal on the character and appearance of the area and the landscape of the AONB, the council's policies for the location of new residential development apply.
13. Saved Policy H4 of the LP is a criteria-based policy relating to housing within the built-up areas of villages. However, I do not consider that the site can be treated as part of the built-up area of Christmas Common. As such I do not consider that saved Policy H4 of the LP has direct relevance to this proposal.
14. Policy CSR1 of the CS relates to new housing in villages, such as Christmas Common, and how this may be delivered through infill and rural exceptions. The proposal does not accord with the supporting text definition of infill or rural exceptions, nor can it be considered as infill given its separation from any built form. As such the proposal conflicts with Policy CSR1, this seeks to protect the countryside from new housing development.
15. Furthermore, Policy CSQ3 of the CS seeks high quality design in new development through consideration of a number of criteria, such as responding positively to the site and its surroundings and enhancing local distinctiveness.
16. The site and surrounding area have a clear rural character and appearance. The site is seen in this context and appears quite separate to the built-up form of Christmas Common due to the intervening landscape features of trees and hedgerows. The current land use is consistent with this rural character as is the existing barn structure. The immediate landscape character is made up of the built form of Christmas Common, and the surrounding rural fields, their hedges and wooded areas.
17. The change of use would introduce domestic paraphernalia to the site. The extent and degree of this is likely to be variable depending on the personal choices of future occupants. Domestic paraphernalia typically would include car parking and garaging, garden furniture and storage, washing lines, bins and associated storage areas or structures. Other contributions may include upgrading of the access, boundary treatments and fuel storage. Whilst it is noted that space exists to the sides of the building to manage some such needs more discretely, the context of the building would inevitably become domestic. Furthermore, whilst it is noted that the extent of the application area has been reduced in order to try and minimise the potential for proliferation of domestic paraphernalia, this acknowledges that it cannot be avoided altogether. This includes, light pollution from the change of use. External lighting and spill from internal lighting would have a notable impact and significantly contribute to the overall effect of the proposal on the area.
18. This change in character and appearance, from a benign rural use to an incongruous residential land use, with associated paraphernalia including lighting, would be at odds with the existing context. It would be harmful to the

rural character and appearance of the area and the special landscape qualities of the AONB.

19. From my site visit, I note that the building and site is generally well screened from public vantage points. Furthermore, I have noted the appellants submissions showing the site and context from January 2019 when vegetation is not in full leaf. Additionally, strategic planting could be secured by condition and could further ameliorate the scheme. However, on my site visit, as did the previous Inspector (ref: APP/Q3115/A/09/2094350), I have noted views from the road when travelling from the east. This road appears well used by motorists and cyclists. Other views exist, and during the winter months, lighting would draw attention to the site and use. Additionally, the lack of prominence cannot entirely mitigate the impact on the area. It is considered that there would be some modest harm to the character and appearance of the area and the landscape of the AONB as a result of the proposed change of use. Given the sensitivity of the site, and in accordance with paragraph 192 of National Planning Policy Framework (the Framework), I place great weight on impacts, even where modest, to the nationally significant landscape.
20. In conclusion on the main issue, I consider that the existing building does not contribute to the landscape and that the change of use would lead to a moderately harmful impact to the character and appearance of the area and the landscape of the AONB. Furthermore, I place great weight to any harm to this nationally significant landscape. Therefore, and for the reasons set out above, I conclude that the proposal would be in conflict with saved Policies C4, G2, G4, and E8 of the LP, Policies CSEN1, CSQ3 and CSR1 of the CS and Policy P3 of the NP. It would also fail to accord with the design objectives of the Framework.

Other matters

21. The proposal would result in an additional dwelling that would contribute to the local housing stock and provide additional choice of housing. This would nominally contribute to boosting housing supply. Furthermore, the appellant sets out that the bungalow is intended to create 'downsizer' accommodation and free up a large family home.
22. The need for providing a choice of housing and the creation of new homes in villages to help support rural communities is important. But we have a plan-led system and the CS makes allowance for limited amounts of housing through rural exception sites and infill at Christmas Common. Furthermore, I note the evidence regarding a lack of delivery for smaller units of accommodation in the settlement and I am also mindful of the permitted development allowances for barn conversions outside of the AONB. However, this is not a built-up part of the settlement and is within an AONB. Therefore, in terms of boosting housing supply, I place limited weight on the benefits of providing an additional dwelling in this context considering the Framework when read as a whole.
23. Furthermore, I have no evidence to indicate in what way the proposed market dwelling may be considered 'affordable' in general terms. In any case this does not overcome the harm I have identified on the main issues.
24. The proposal indicates the removal of some of the existing land use features such as electric fences and horse training areas. However, the majority of these features lie outside of the site and, in any event, are typical of the rural

context. I consider that the potential for their removal from the limited application area provides negligible enhancement.

25. My attention has been drawn to a number of developments as setting a precedent for allowing the scheme. I do not have full details of these cases and the potential parallels with the proposals subject to this appeal. From what information is provided the parallels appear limited. Moreover, each case must be assessed on its own merits, which is what I have done with this proposal.

Conclusion

26. Whilst the harm to the character and appearance of the area and the landscape of the AONB would be modest, there is conflict with the policies of the development plan and great weight ought to be attached to the impact to the AONB. I have had regard to all other material matters raised and I find nothing to individually or cumulatively outweigh the harm identified.
27. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

James Taylor

INSPECTOR