



Appeal Decision

Site visit made on 22 October 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/C3105/W/19/3234199

**Land to the south-west of 57 West End known as The Old Pool House,
West End, Launton 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 and Daniel Walker against the decision of Cherwell District Council.
 - The application Ref 18/02079/F, dated 29 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is retrospective conversion of pool house into a two-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit the scheme applied for was already in place. I have determined the appeal on that basis.

Main Issue

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

Reasons

4. The appeal site comprises a detached building and garage located adjacent to a track/footpath positioned to the rear of No 57 West End. The rear garden to this property previously included the pool house and garage in what was the rear garden, but this has since been separated by close board fencing.
5. 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) deals with residential development within the built-up limits of settlements.
6. The Inspector in respect of the previous appeal relating to the same development on the same site and against the same development plan policies as those before me (Ref: APP/C3105/W/17/3181034) found that the pool house fell outside of the built-up limits of Launton and as such the appeal was considered in light of Policy H19.

7. The appellant has made reference to a number of permissions for new housing in the village which they suggest are relevant to the appeal. In respect of the permissions at Chestnut Close and Jack Barns the sites adjoin existing development and have a clear visual and physical relationship with the built form in the village compared to the site. The application at Launton Road/ Blackthorn Road is clearly of a materially different scale compared to the appeal site, however, whilst beyond the built form again it has a clear visual and physical relationship with the village. The permission at South Riding is within the limits of the village and relates to existing linear development, compared to the appeal site. With regard to the Mixed Use – Employment and Housing designation to the south of the appeal site. The distances involved would mean it would not alter the immediate context of the appeal site.
8. Notwithstanding the permissions outlined above, the fact remains that the development is still outside of the built-up limits of Launton. Whilst close by and even with the examples of development in place, through the separation from the main built up area the appeal site remains detached from the village surrounded by undeveloped land either in the form of large rear gardens or open countryside. Therefore, Policy H19 continues to apply.
9. Furthermore, consistent with the previous Inspectors finding, whilst the development would re-use an existing building the change of use of the pool house for residential purposes would still undermine the character of the area and the surrounding countryside by virtue of increased activities including noise, light pollution and vehicular movements. I acknowledge that the pool house was used in incidental association with No 57 West End which would have attracted activity, however this association has now been severed. The development would result in a material increase in activities that would be harmful to the character of the area and, in my view, could not be overcome by the imposition of conditions.
10. The appellant has commented that the development would not result in landscape harm or adversely impact on the living conditions of nearby occupiers. The absence of harm in relation to these issues, counts neither for nor against the proposal, and does not alter the harm I have identified in relation to the main issue.
11. I note the appellant's personal circumstances and given it careful consideration, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have identified.
12. The proposal would therefore conflict with Policies H19, C28 and C30 of the Cherwell Local Plan (1996) which seek to ensure new development does not harm the character of the countryside and is compatible with the character and appearance of dwellings and the surrounding area. It would also be contrary to Policies ESD1, ESD15 and Policy Village 1 of the Cherwell Local Plan (2015) which seeks to ensure new development is located in appropriate locations and contribute positively to an area's character reinforcing local distinctiveness.

13. I note the council have referred to Policy H18 in the reason for refusal, however, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Conclusion

14. From the evidence before me I am not persuaded that I should come to a materially different view from that of the previous Inspector in respect of the appeal and therefore for the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR