
Appeal Decision

Site visit made on 17 March 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/C3105/W/19/3241926

Old Forge, Wroxton Lane, Horley OX15 6BB

- 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 Hoddinott against the decision of Cherwell District Council.
 - The application Ref 19/01214/F, dated 29 June 2019, was refused by notice dated 24 September 2019.
 - The development proposed is the change of use from an office to a one-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have taken the description of development from that used on the decision notice as it is more succinct than the description given on the original planning application form.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of future occupants with regards to whether the internal layout provides a suitable amount of space and whether the appeal site is an appropriate location for the development having regard to local planning policies.

Reasons

Living Conditions

4. The proposal would provide for a one-bedroom dwelling with a ground floor area of approximately 30sqm. The parties disagree whether the amount and configuration of internal space is sufficient to provide reasonable living conditions for the intended future occupants of the dwelling.
5. The proposed floor plan shows a combined living and kitchen area with access to an outside patio area. Although small, the plan¹ shows that a modest amount of furniture could be accommodated whilst allowing sufficient room for circulation within the space. Nevertheless, I have concerns regarding the space provided for the bathroom and bedroom, which is particularly constrained.

¹ Proposed Plans and Elevations, Drawing No: SK01 Rev D

6. When account is taken of the clearance required for door openings and the fire egress window, it is doubtful whether a double bed could be accommodated in the bedroom, let alone a wardrobe and drawers in addition. Moreover, the only access to the bathroom would be via the bedroom which is less than ideal to cater for any visitors that the future occupants may have. Accordingly, it would be difficult to accommodate a basic level of furniture to suitably accommodate sleeping arrangements and clothes storage commensurate with the needs of the likely occupants without blocking circulation space necessary to access the bathroom.
7. Additionally, although the appellant refers to approximately 10sqm of storage space over the bedroom area, as the plans do not show a permanent staircase, presumably the steps referred to² would be similar to ladders. Such space is therefore not conveniently accessible for frequently used bulky items such as vacuum cleaners or ironing boards and it is not otherwise clear from the plans that these reasonable domestic storage requirements have been adequately addressed.
8. Taking these factors together, the day to day living experience of future occupants would be cramped and inconvenient. As a result, their quality of life would be unacceptably compromised. This would not be fully mitigated by the provision of outdoor space. Paragraph 127 f) of the National Planning Policy Framework (the Framework) states that planning decisions should ensure that developments provide a high standard of amenity for future users and the proposal would fail to do this.
9. This is reinforced by the advice contained in the Planning and Design Guidance: Sub Division of Buildings for Residential Use, Supplementary Planning Document, February 2011 (SPD). Although this SPD is primarily aimed at development that sub-divides buildings into flats or houses in multiple occupation rather than a conversion to a bungalow, it does give an indication that a one-bedroom flat ought to be able to accommodate a double bed accessible from both sides, a chest of drawers, a wardrobe for clothes storage and a chair³. It also refers to the need to store tall or bulky equipment. This reflects reasonable basic requirements to serve daily living similar to those that would be generated by the scheme before me and which the proposal would fail to achieve.
10. Although the SPD also refers to minimum room sizes, I am mindful that the Planning Practice Guidance (PPG) indicates that where a local planning authority wishes to apply an internal space standard they should only do so by reference in their development plan to the nationally described space standard (NDSS)⁴, a process that would require the gathering and examination of evidence that such an approach is justified. The evidence does not show that the NDSS forms part of an adopted policy in the development plan.
11. As such, although the Council refer to the proposal as falling below the internal floor area requirements of one-bedroom flats in the NDSS, the document expressly states that the areas set out are relevant only in determining compliance with the standard for new dwellings and have no other statutory

² Page 2, Planning application support statement

³ Pages 8-9, SPD

⁴ Paragraph 018 ID56:018-20150327

meaning or use⁵. It therefore carries little weight in relation to the proposal before me and in light of the PPG, limited weight is given to the minimum room sizes suggested in the SPD.

12. My attention is drawn to examples of dwellings that have a floor space comparable to, or in some cases, less than, the appeal proposal. Of the initial 10 examples listed, three relate to new build dwellings built in the nearby settlement of Banbury in 2010 and 2018⁶ which would make them more relevant than the other examples cited, which may be longstanding. However, I do not have full details of the planning decisions and it is not shown if, or when, the resulting flats were granted planning permission, and if so which local and national policies were applicable.
13. The appellant also refers to apartments recently built within a 50 apartment complex in Hull, some of which have floor areas of approximately 30sqm with no associated outdoor space. I am not provided with the circumstances that led to any planning permission being granted, or even if this was required. Even if it were, given the considerable distance from the appeal site, the development plan and local guidance would be different. As such, I am not assured that the examples referred to are directly comparable to the proposal before me, and therefore, give them little weight. In any event, I have determined the appeal proposal on its own merits and the existence of other dwellings with a similar floorspace does not justify or outweigh the harm I have identified in this case.
14. Accordingly, I find that the proposal would not provide adequate internal space and would therefore, be unacceptably harmful to the living conditions of the future occupants. This would be contrary to policy ESD15 of the Cherwell Local Plan 2011-2031, Part 1, July 2015 (CLP 2015) which, amongst other matters, requires the consideration of the amenity of future occupants, including indoor space. In addition, the proposal would conflict with saved policy C30 of the Cherwell Local Plan, November 1996 (CLP 1996) which, amongst other matters, requires new housing development to provide acceptable standards of amenity.

Location

15. As part of its overarching strategy to mitigate and adapt to climate change, policy ESD1 of the CLP 2015 seeks to distribute growth to the most sustainable locations as defined in the plan. The appeal site lies to the south of the settlement of Horley, identified as a 'category C' village within the Policy Villages 1: Village Categorisation policy of the CLP 2015. Policy Villages 1 seeks to manage small scale development proposals which come forward within the built-up limits of villages. Within the hierarchy of villages, category C villages are least well served in terms of facilities and public transport and as such, the policy only permits residential infilling and conversions.
16. However, saved policy H19 of the CLP 1996 supports the residential conversion of rural buildings that lie beyond the built-up limits of a settlement subject to criteria. Although the policy was adopted a considerable time ago, it is broadly consistent with paragraph 79 c) of the Framework. This allows for isolated homes in the countryside where the development would re-use redundant or

⁵ Paragraph 2, Technical housing standards – nationally described space standard, Department for Communities and Local Government, March 2015

⁶ Flats 9 & 10, 21 Castle Street, Banbury and Flat 2, 32 Marlborough Road

dis-used buildings and enhance its immediate setting. Accordingly, in line with paragraph 213 of the Framework, the policy retains significant weight.

17. The appeal site is reasonably close to Horley in distance, such that it would not result in an isolated dwelling within the meaning of paragraph 79 of the Framework. Nevertheless, the appeal site is distinct from the settlement due to the presence of an intervening field and brook and as such, does not fall within the built-up limits of the village. Therefore, the proposed conversion of the existing building from an office use to a dwelling, would not fall within the remit of development permitted by Policy Villages 1 of the CLP 2015. Nevertheless, policy H19 would apply in these circumstances.
18. Most of the criteria in policy H19 seek to promote the conversion of traditional rural buildings that are in a relatively good structural condition. The Old Forge is a modest detached traditional building that has recently been in use as an office. I observed it to be in good condition with only minor physical alterations proposed as part of the proposal, and I have not seen evidence to the contrary. On this basis, the development fulfils the first three criteria of policy H19.
19. It is the Council's view that the proposal would conflict with policy H19 due to the final criterion which states that the proposal must meet the requirements of the other policies in the plan and considers that it would fail to do so as (1) it would result in the loss of an employment site, (2) be harmful to residential amenity and (3) it is outside of the built up area of the village⁷.
20. Such a wide-ranging final criterion does not fully accord with paragraph 16 of the Framework which stipulates that development plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. As such, this element of policy H19 carries less weight. Moreover, the Council raises no specific objection to the loss of the office use⁸ and does not find harm arising from conflict with policy SLE1 of the CLP 2015. This, in any event, relates to a policy from a subsequent plan rather than that cited in policy H19 of the CLP 1996.
21. Furthermore, I have already considered the effect of the proposal on residential amenity as a separate main issue against the most relevant policies in the development plan. Finally, saved policy H19 expressly permits residential conversions outside of the built-up limits of settlements in locations which would not otherwise be supported by the other policies of the development plan. It would be illogical to interpret conflict with those other policies as a failure to comply with policy H19(iv), as to do otherwise would mean the policy would effectively serve no purpose.
22. Accordingly, I find that the proposal would provide an appropriate location for the development having regard to local planning policies as it would comply with the criteria of saved policy H19 of the CLP 1996 which allows for the residential conversion of rural buildings in a location beyond the built-up limits of a settlement.

Other matters

23. In support of the proposal the appellant has highlighted the benefit the proposal would have in providing a presence at the site. His view is that this

⁷ Paragraph 8.16 Council's Planning Officer report

⁸ Paragraph 8.9 Council's Planning Officer report

would provide added security for the adjacent caravan and camping site which has experienced a series of thefts, the most recent one being particularly upsetting for a holiday maker at the site. This is reinforced by the comments of a nearby resident who expresses concern at the burglaries that have occurred. Additionally, it would mean someone would be on hand to respond quickly in case accidents were to occur. In turn, this would assist with the longevity of the adjacent camping and caravan storage business which would accrue some economic benefit to the local economy, as well as environmental benefits derived from reduced trips to the site. Be that as it may, based on the information provided, it is not robustly shown that the appeal proposal would be the only way to address the concerns regarding security and health and safety. Furthermore, the economic and environmental benefits would be limited given the modest nature of the proposal. Accordingly, I attribute limited weight to these benefits.

24. The appellant asserts that, in comparison to nearby properties, the appeal building is unlikely to flood and that significant extensions at Brook Cottage have been permitted. However, these factors would not address, nor outweigh the harm identified in relation to the living conditions of the intended occupants.
25. The appeal site lies outside of, but adjacent to the Horley Conservation Area (CA). Its significance lies in part in the way the mix of buildings and spaces reflect the evolution of the village from its medieval core. Given the modest physical changes that would be wrought by the proposal, the development would preserve the character and appearance of the setting of the CA as well as views into and out of the CA. Therefore, it would not cause harm to its significance.

Conclusion

26. For the reasons given above, I conclude that the development would be unacceptably harmful to the living conditions of future occupants and therefore, the appeal should be dismissed.

Helen O'Connor

Inspector