The Planning Inspectorate

Appeal Decision

Site visit made on 18 August 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/D3125/W/20/3252781
Greensleeves, Lyneham Road, Milton Under Wychwood OX7 6LR

- 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 and Mrs Seers against the decision of West Oxfordshire District Council.
- The application Ref 19/02314/FUL, dated 14 August 2019, was refused by notice dated 6 December 2019.
- The development proposed is the change of use and adaption of a redundant agricultural building to create a single storey dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the site is in a suitable location for housing having regard to local and national planning policies, and (ii) the impact of the proposal on the character and appearance of the area with particular reference to the Cotswolds Area of Outstanding Natural Beauty.

Reasons

Location

3. Policy OS2 of the West Oxfordshire Local Plan 2031, September 2018 (LP) forms part of the overall strategy for the district which seeks to direct most new residential development to identified main service centres, rural service centres and villages. Outside of those areas residential development is limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Policy H2 expressly defines the limited circumstances whereby residential development in small villages, hamlets and open countryside would be permitted. This is generally consistent with the approach to rural housing set out in paragraphs 78 and 79 of the National Planning Policy Framework (the Framework).

4. Milton Under Wychwood is defined as a village in the settlement hierarchy in the LP[1]. Nevertheless, the appeal site is a considerable distance from the settlement, with intervening agricultural land. Neither party suggests that it forms part of the village and therefore, for the purposes of the LP the appeal site constitutes open countryside.

[1] Table 4b, page 30 of LP

5. One of the limited circumstances listed in policy H2 of the LP permits the re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities. This broadly accords with paragraph 118 d) of the Framework which states that in order to make effective use of land planning policies should, amongst other things, promote and support the development of under-utilised land and buildings.

6. The appellants consider that the proposal would comply with policy H2 on this basis. However, there are several elements to this part of policy H2, and I have concerns that the proposal before me does not fully meet all of them for the following reasons.

7. Firstly, it must be demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities. The appellants accept that the site may be considered suitable for a discrete business/office use or a holiday let[2]. The submitted viability assessment[3] concludes that neither office use nor holiday accommodation use would be viable. Nevertheless, whilst this provides some justification, it is not explained why the scope of the analysis is limited to two alternatives excluding the wider consideration of other business uses. This might for example encompass light industrial uses or rural enterprises that may not necessitate such significant physical alterations to the existing building, thereby lowering the associated costs. Therefore, based on the information provided, I am not assured that all potential business alternatives have been fully assessed.

8. Secondly, policy H2 refers to the reuse of an appropriate existing building as opposed to its replacement or rebuilding. The structural report[4] states that the timber frame and foundations of the main building would be capable of conversion to residential use and I have little substantive evidence that would undermine this finding. The proposal may also retain existing blockwork walls. Nevertheless, the submitted plans and design statement[5] show the replacement of the existing roof and wall cladding with a combination of dark coloured profiled steel sheeting on the roof and Accoya horizontal boarding to the walls. New windows, doors, rooflights and lanterns would be introduced. In addition, the existing dilapidated side structure would be removed entirely and replaced with a flat roofed side extension. Cumulatively, these works would amount to extensive building operations more akin to a rebuilding of the structure rather than a reuse of the existing building.

9. Finally, policy H2 requires the proposal to lead to an enhancement of the building's immediate setting, which has a predominantly rural character. The development would remove the existing deteriorated cladding on the building itself. Nevertheless, the development would introduce a gravelled driveway onto agricultural land to the north east of the building. In addition, a domestic garden would be created. Both would be sufficiently proximate to the building to affect its immediate setting. The considerable length and appearance of the gravelled driveway would have an urbanising effect. It would also intensify the concentration of residential driveways along this part of Lyneham Road given

[2] Paragraph 28, Appellants' Statement of Case
[3] Viability Assessment prepared by Fisher German, March 2020, Appendix 3, Appellants' Statement of Case
[4] SWJ Consulting Ltd, November 2019
[5] ICA Architects, Appendix 6, Appellants' Statement of Case

the close presence of those serving Greensleeves and Cardale. Furthermore, the garden would be likely to introduce additional boundary treatments, lighting, seating, play equipment, outbuildings or similar objects which in addition to more cultivated planting would emphasise the domestic nature of the development. Taken together, these factors would be detrimental to the surrounding rural agricultural character rather than enhance the immediate setting of the building.

10. I have had regard to the suggestion that the surface treatment of the driveway could be controlled by condition such that an alternative approach could retain the appearance of grass. Nevertheless, the examples in the specification[6] provided do not clearly show that such an approach would be suitable for an access driveway in regular use. Therefore, I am not fully assured that the grass would not be partly worn away revealing the underlying cellular grid, which is likely to be unsightly. As such, it is not shown that a condition would fully address my concerns.

11. There is little explanation of what is meant by the term "appropriate existing building" in policy H2 and I acknowledge that it does not expressly require the existing building to be attractive or traditional. Nevertheless, given my specific concerns regarding the proposal before me, I am unable to conclude it does constitute an appropriate building for the purposes of policy H2 in these circumstances.

12. I am referred to paragraph 146 d) of the Framework which stipulates that the re-use of buildings of permanent and substantial construction in the Green Belt would not be inappropriate. However, the appeal site is not in the Green Belt and policy H2 of the LP does not seek to support the fundamental aim of national Green Belt policy in keeping land permanently open. Therefore, it is not directly applicable to the circumstances of the appeal and I am not persuaded that it is transferable to the interpretation of policy H2 of the LP. It therefore attracts little weight.

13. My attention is also drawn to paragraph 79 c) of the Framework which is one of the limited exceptions whereby an isolated home might be permitted in the countryside. It refers to development that would reuse redundant or disused buildings and enhance its immediate setting. The appeal proposal would provide a residential dwelling close to two other dwellings (Greensleeves and Cardale). As such, it is not shown that the proposal would result in an isolated home. Even if I were to accept that paragraph 79 c) was applicable to the appeal proposal, for the reasons already outlined, I am not assured that it would re-use an existing building nor enhance its immediate setting.

14. Accordingly, I find that the proposal would conflict with the criteria set out in the development plan for the residential re-use of existing buildings in the open countryside, and as such would be contrary to policies OS2 and H2 of the LP. Therefore, having regard to local and national planning policies it would not provide a suitable location for the development.

15. The Council has also referred to policies OS1, OS3 and E3 of the LP in refusal reason 1 on the decision notice. These respectively relate to the presumption in favour of sustainable development, the prudent use of natural resources and the re-use of non-residential buildings for employment, tourism and community

[6] Ecogrid Brochure, Appendix 5, Appellants' Statement of Case

uses. Based on the evidence before me it is not shown that these policies are of particular relevance to this main issue, and therefore, I find no direct conflict with them.

Character and appearance

16. The appeal site is within the designated Cotswolds Area of Outstanding Natural Beauty (AONB). It is identified as falling within the Upper Evenlode Valley in the LP[7]. The West Oxfordshire Landscape Assessment, June 1998 describes the landscape character as including a low-lying farmed landscape, with a patchwork of large fields, bounded by strong hedgerows and occasional blocks and belts of woodland. This is consistent with the appearance of the landscape in the vicinity of the appeal building and these elements contribute towards the special qualities of the AONB. Paragraph 172 of the Framework stipulates that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

17. The building itself comprises an unassuming functional medium sized agricultural building with a lean-to side component. Its form and appearance have an agricultural character consistent with a working rural landscape. The deterioration of the building does visually detract from its appearance to an extent. However, its siting as part of a group of buildings to the south of Lyneham Road tempers the effect. Overall, the existing building has a neutral impact on the prevailing rural character and appearance of the area.

18. The proposed lengthy driveway and creation of a domestic garden would encroach onto agricultural land. For the reasons already stated, these factors would be harmful to the prevailing rural character of the area and consequently, would dilute the special qualities of the AONB.

19. The appellants point out the presence of buildings and post and wire fencing adjacent to the proposed driveway, that it would not be easily seen from public rights of way and that existing hedgerows along Lyneham Road would screen views[8]. I acknowledge these factors would mitigate the impact to a degree. Nevertheless, the limited height and open nature of post and wire fencing would provide only partial screening. Given the significant gaps in the built form adjacent to the driveway, I observed the area to visually relate more closely to the adjacent agricultural field rather than as part of existing built development as is asserted. Moreover, some views would be possible from the road, particularly when the trees and hedgerows were not in full leaf.

20. Additionally, notwithstanding the hedgerow along the south-western boundary and the existing fence and planting along the boundary with Cardale, some glimpses of the garden are likely to be possible from nearby dwellings and stables.

21. Even though individually these aspects of the proposal would be relatively modest, they nevertheless fail to conserve or enhance the special qualities of the AONB. Furthermore, limited scale is not a sufficient reason to permit localised harmful development, as this could be used to justify incremental development that over time cumulatively erodes the special qualities of the AONB.

[7] Figure 8a: Landscape Character Areas
[8] Appendix 4, Appellants' Statement of Case

22. The proposed dwelling itself would be distinctive and would utilise high quality materials resulting in a contemporary interpretation of a relatively simple rural building. I have had regard to the advice in the West Oxfordshire Design Guide 2016 Supplementary Planning Document which provides principles for the conversion of agricultural buildings. However, for the reasons already stated, the proposal is closer to a rebuild than a conversion. Moreover, the guidance appears to be primarily aimed at the conversion of attractive traditional agricultural buildings. Overall, it is of limited weight to the proposal before me.

23. Therefore, whilst I accept that the development would improve the condition of the built form at the appeal site by comparison to the existing building, it nevertheless would be harmful to the rural character and appearance overall due to the introduction of the driveway and garden. Consequently, it would neither conserve nor enhance the AONB's natural beauty.

24. Accordingly, I find that the proposal would be contrary to policies EH1 and EH2 of the LP. These policies, amongst other matters, seek to protect the character of the natural environment and the Cotswolds AONB in particular. Additionally, it would conflict with the general principles for development in policy OS2 of the LP which include conserving and enhancing the natural environment, particularly in the AONB. Furthermore, overall, it would fail to enhance the character and quality of the surroundings as required by policy OS4 of the LP which seeks a high quality design.

25. The Council has also referred to policies H6 and E3 of the LP in refusal reason 3 on the decision notice. These respectively relate to changes to existing housing and the re-use of non-residential buildings for employment, tourism and community uses. Given that the building is not an existing dwelling and does not propose an employment, tourism or community use, it is unclear how these are applicable. Based on the information before me, I find no conflict with them.

Other matters

26. The proposal would provide an additional dwelling that would contribute to the overall housing supply. However, the economic and social benefits accrued from one dwelling would be modest and therefore, this attracts limited weight. My attention is drawn to the absence of harm in relation to ecology. Nevertheless, the absence of harm does not amount to a benefit and therefore, would not outweigh the harm I have identified in relation to the main issues.

Conclusion

27. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise[9]. No compelling reasons have been shown to justify my determining the development other than in accordance with the adopted development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

[9] Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.