



Appeal Decision

Site visit made on 29 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2020

Appeal Ref: APP/D3125/W/20/3255183

Stable building to rear of Valhalla and Skyfall, Church Street, Stonesfield OX29 8PS

- 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 Derek Hobbs against the decision of West Oxfordshire District Council.
 - The application Ref 20/00276/FUL, dated 21 January 2020, was refused by notice dated 2 April 2020.
 - The development proposed is change of use of stable building into ancillary residential use (home office and arts studio/gym) in connection with Valhalla and Skyfall.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of stable building into ancillary residential use (home office and arts studio/gym) in connection with Valhalla and Skyfall in accordance with application 20/00276/FUL, dated 21 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 196318/20:1; Block Plan Drawing Number 196318/20:2; As existing floor plan and elevations Drawing Number 196318/20:3 and As proposed floor plan and elevations Drawing Number 196318/20:4.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area and the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal site comprises a relatively modern stable building located close to existing dwellings on the edge of the village of Stonesfield. Beyond the site the area has a rural and agrarian appearance which positively contributes to the character of the area. However, the area around the stable and the neighbouring dwellings, due to its materials, design, planting and boundary

treatments has an urban and domestic appearance. The stable forms part of this urbanised edge to the village.

4. Based on the evidence there has been an incremental increase of the hardstanding between the dwellings and the stable over the years. Whilst the Council contend that areas of it are unlawful, it is nonetheless a notable feature that makes up part of the area's character and appearance.
5. The proposed development involves the change of use of the existing stable to an ancillary use associated with two nearby dwellings. The appellant states their intention is to use the building for a home office and arts studio and gymnasium. I acknowledge it would result in domestic activities taking place outside of the plots of Valhalla and Skyfall. However, these activities would not be incompatible with the residential nature of the immediate area. Taking into account the immediate layout and the evidence before me there is nothing substantive to indicate that the proposed development would lead to an extension of the curtilages of either property.
6. The stable is accessible from the dwellings across the courtyard and access for drivers and pedestrians is shared with both Valhalla and Skyfall. Notwithstanding the separation it is well connected to the dwellings and there are no significant physical structures preventing free movement around and between the buildings. Consequently, these activities including the parking of vehicles would not unduly affect the character of the area.
7. There is no substantive evidence to indicate that the proposed development would increase pressure for further hardstanding or structures in the area; that the surrounding land is less likely to be used for agricultural or other rural purposes or that it would result in a precedent for other developments.
8. Taking the above into account I conclude that the proposed development would not harm the character and appearance of the area or the AONB. It would accord with Policies OS2, OS4, EH1 and H6 of the West Oxfordshire Local Plan (2018) which, amongst other things, requires new development to respect village character and local distinctiveness; conservation and enhancement of the AONB's natural beauty, landscape and countryside and alterations to existing dwellings to respect the character of the surrounding area and not unacceptably affect the environment of people living in or visiting that area. It would also accord with the National Planning Policy Framework (the Framework).

Other Matters

9. The proposed development would be ancillary to both Valhalla and Skyfall and would not result in an increase in visitors or vehicles to the properties. There is, therefore, no substantive evidence to demonstrate that it would generate additional parking demand in the area.
10. Notwithstanding the Council's comments it is not for me in a Section 78 appeal to come to a view as to whether the building is required for or suitable for agricultural uses taking place nearby.
11. Whilst the Council contend that the proposed development would have little economic or social benefit this could be said of many domestic proposals. I therefore give this matter negligible weight in coming to my decision.

Conditions

12. The Council has suggested 3 conditions in the event the appeal was to be allowed. I have considered these in light of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rewording of the suggested conditions.
13. In addition to the standard three-year time limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
14. The Council has suggested a condition preventing the installation of the means of cooking or heating food and the installation of a toilet in the building. However, the development must be carried out in accordance with the approved plans which do not show such amenities. As such, I do not consider it necessary or reasonable to impose such a condition.

Conclusion

15. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR