



Appeal Decision

Site visit made on 14 December 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/Q3115/W/20/3257335

Moorcourt Barn, Weston Road, Lewknor OX49 5RU

- 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 D Griffith against the decision of South Oxfordshire District Council.
 - The application Ref P20/S0909/FUL, dated 4 March 2020, was refused by notice dated 8 July 2020.
 - The development proposed is described as '1. Demolition of existing green barn, closure of access to footpath track. 2. Erection of 1 dwelling with new access, garage, outbuilding, and associated works. 3 Provision of additional parking/car storage area to adjoining commercial unit (at The Barn/Str8six)'.
-

Decision

1. The appeal is allowed and planning permission is granted for '1. Demolition of existing green barn, closure of access to footpath track. 2. Erection of 1 dwelling with new access, garage, outbuilding, and associated works. 3 Provision of additional parking/car storage area to adjoining commercial unit (at The Barn/Str8six)' at Moorcourt Barn, Weston Road, Lewknor OX49 5RU in accordance with the terms of the application, Ref P20/S0909/FUL, dated 4 March 2020, subject to the attached schedule of conditions.

Procedural matter

2. During the course of the appeal the appellant has submitted revised plans. These show the removal of the dormer windows to the proposed new house and the removal of the glazed box on the proposed pool building. The Council and third parties have had opportunity to comment on these revisions. In the context of the overall proposal, and noting that the changes reduce the built form, I consider that these are relatively minor changes. For the above reasons I do not consider that the interests of any interested parties would be prejudiced by my considering the revised plans. As such, I have proceeded to determine the appeal on the basis of the revised plans.

Main Issue

3. The main issue is the effect of the proposed dwelling and associated outbuildings on the character and appearance of the surrounding rural landscape.

Reasons

4. The appeal site is currently occupied by a large, green-coloured, metal-sheet clad building of a modern commercial agricultural appearance. It is located on the eastern side of the relatively open and flat appeal site, adjacent to a public right of way. The site is located outside of the Chilterns Area of Outstanding Natural Beauty on the opposite side of Lewknor. Whilst the site is in an open countryside location, I do not find it isolated given its proximity to Lewknor. Nonetheless, the site is separated by sufficient distance and intervening landscaping to avoid impacting any of the village's designated heritage assets, or their settings. Adjacent is a smaller metal-sheet clad structure currently used as a commercial TVR vehicle re-build/servicing operation.
5. The appeal scheme would demolish the existing barn on the site. The Council suggest that the building has a neutral impact within the surrounding rural landscape with such structures being commonplace and innocuous. Whilst I have seen other similar structures in the landscape, given its form, bulk and siting within a relatively flat and open area it appears prominently and does not contribute positively to the surrounding rural landscape. It has little aesthetic value and its removal/replacement offers an opportunity to improve the character and quality of the area.
6. The proposal details the erection of 3 detached structures. The appellant states that these would have less volume, even taken cumulatively, than the existing building and I have little evidence to reach a contrary conclusion. As such, the proposal would reduce the bulk and mass of the built form at the site and disperse it. The buildings would be positioned centrally within the site, facilitating a landscaping scheme as part of the development. This presents an opportunity to filter views of the built form from prominent public vantage points and can be secured by condition. Furthermore, it increases the separation between the buildings and the most notable vantage point on the adjacent public right of way. I find little evidence to support the Council's assertion that this would result in a more intrusive or dense form of development.
7. The plans detail the arrangement of the structures in a U-shape around a courtyard. This replicates a more traditional farmstead arrangement and also ensures that some paraphernalia, such as associated vehicles would be screened from public view. Furthermore, this layout along with the design, scale, form and materials of the buildings would be reflective of the traditional local vernacular. Whilst I have not observed any identical buildings in the immediate area it is nonetheless reflective of some local arrangements and buildings. For example, the outbuildings at Manor Court Farm and the outbuilding to the front of The Manor, both on the nearby fringes of Lewknor. Also, the proposal would reflect the traditional outbuildings opposite Manor Farm to the north-west.
8. Nevertheless, the scheme would introduce a residential use. The largest building would be used as a dwelling and being styled as a barn conversion would appear as a residential property through its fenestration in particular. Similarly, the two ancillary buildings would clearly appear in residential use being for garaging, home office and an indoor pool. Furthermore, the proposal would likely result in domestic paraphernalia at the site, which would further erode the rural character of the landscape, despite the central courtyard

provision and potential landscaping. As such, whilst the proposed built form would take opportunities to improve the character and quality of the area, by virtue of the introduction of a residential use the proposal would erode the rural scene and have an urbanising impact.

9. However, prior approval has been granted¹ for the redevelopment of the existing building on the site to form a new dwelling. The appellant states that this is material to the appeal as this forms a potential 'fallback' development which would have similar or worse effects than the appeal proposal. The Council state there is no real prospect or even a possibility of the prior approval being permitted and as such it should be afforded limited weight. However, the prior approval has been granted and remains extant. Furthermore, I have very little evidence to suggest that the implementation of the approval would be unlikely to happen. Rather, based on the evidence before me, including the location of the proposal within an attractive rural landscape and conveniently sited for vehicular access to the M40, I find that there is an eminent possibility of the development being realised. As such, I consider that there is a real prospect of the 'fallback' development occurring. Given that this and the appeal scheme would both result in the creation of a dwelling in the open countryside I afford this significant weight.
10. The prior approval development would retain the existing building on site and change the use of the vast majority of it. The physical alterations detailed would be limited, save largely for the insertion of openings for natural light and outlook. This would generate some domestic appearance much like the appeal proposal. Under the prior approval scheme the extent of the garden would be significantly smaller and the access would not be altered. However, I note that planning permission² has also been granted for a new access onto Weston Road with a change of use of most of the remaining appeal site area to provide an extended garden. Whilst this permission has lapsed, I have little evidence to indicate that if permission were sought again that it would not be forthcoming. As such, I afford this some weight. Cumulatively, the schemes would create the proposed access, a comparable garden and a dwelling at the appeal site. This is significant in the determination of this scheme as it would result in similar harm to that I have previously identified, but without the improvements to the built form that I have found.
11. In summary, the proposed dwelling and associated outbuildings would have an urbanising effect on the informal rural character of the site. As such, I find some conflict with Policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy, Adopted December 2012 (SOCS), and 'saved' Policies D1, G2 and H4 of the South Oxfordshire Local Plan 2011, Adopted January 2006, Strike-through version on adoption of the SOCS (SOLP). However, other material considerations, including the 'fallback' development and the National Planning Policy Framework when read as a whole, outweigh any harm in this particular case. Therefore, in conclusion on the main issue the proposed dwelling and associated outbuildings would not harm the character and appearance of the surrounding rural landscape.

¹ LPA ref: P19/S4174/N4B

² LPA ref: P17/S1013/FUL

Other matters

12. A number of parties have raised concern over the principle of allowing a new dwelling within an open countryside location having regard to both local and national policies. In relation to this, reference has also been made to an appeal at The Manor³. However, I note that the circumstances to that proposal were different to the appeal before me and as such I afford it limited weight. Moreover, the principle of development does not form part of the Council's reason for refusal and, based on the evidence before me, I have no reason to reach a contrary conclusion. I have noted the comments regarding the lack of need for this type of development based on the consultation work for the neighbourhood plan, but I have not been provided with a policy basis to refuse the scheme based on a lack of need. I place significant weight on the 'fallback' development and in this particular instance I consider that it represents an other material consideration such as to justify the development.
13. Furthermore, concerns have been raised by third parties in relation to a number of other detailed planning matters including ecology and highway safety. However, these do not form part of the Council's reason for refusal either and, I place significant weight on the expert views set out in the consultation responses. In light of the information before me I have little technical evidence to reach a contrary conclusion to the Council.

Conditions and conclusion

14. The Council have suggested a number of conditions within their evidence consistent with those set out within their committee report. As such, the appellant has had opportunity to consider and comment on these. I have made some alterations to the suggested wording in order to be more precise, relevant to planning and in order to have timing requirements that are necessary based on the evidence available to me.
15. I have imposed the standard implementation and approved plans conditions for the sake of completeness and certainty. In order to protect the character and appearance of the area I have required the submission of further details of the external materials, the demolition of the existing barn and details of hard and soft landscaping.
16. I have had regard to the ecology consultation response, and I have no technical evidence to reach a contrary conclusion. As such, I have imposed the suggested reptile condition in the interests of biodiversity. This has a pre-commencement timing requirement, but I note that the Council's committee report details that the appellant is agreeable to this approach. Furthermore, I have noted the Council's drainage engineer's comments and have imposed a requirement for further details in relation to foul and surface water drainage. This is in the interests of ensuring that the site can be adequately serviced and drained.
17. In the interests of highway safety, I have imposed a number of conditions which reflect the Council's suggestions and the expert views of Oxfordshire County Council as the Highway Authority. These include a requirement for the new access to be provided with visibility splays, the provision of the approved parking and turning areas and details for the stopping up of the existing

³ PINS ref: APP/Q3115/D/16/3163285

access. However, whilst the additional parking provision for the adjacent commercial unit would be potentially beneficial through reducing existing overspill parking along the right of way, I do not find that a condition to require it would be strictly necessary in order for a positive outcome to this appeal. Furthermore, given the amount of space available for parking and turning I do not have evidence to indicate that it is necessary to restrict any potential conversion of the hereby approved garaging.

18. The Council have suggested conditions to restrict permitted development rights in relation to the erection of any means of enclosure, outbuildings and extensions. However, I have been provided with little evidence to support the removal of such rights. Given this, and having regard to paragraph 53 of the Framework, I do not find that there is clear justification to restrict national permitted development rights in this instance.

19. For the reasons given above I conclude that the appeal should be allowed.

James Taylor

INSPECTOR

Schedule of 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: Dwgs 1.30C, 1.40A, 1.41B, 1.45A, 1.46A, 1.60A and 1.70B.
- 3) Prior to the commencement of the development hereby approved, including any works of site clearance, a reptile mitigation strategy, which should include details of measures to be taken to avoid harm to reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.
- 4) Prior to any hard or soft landscaping works, a full foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
- 5) No development above slab level shall commence until a schedule of external materials and samples have been submitted to and agreed in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the agreed details.
- 6) Prior to the first occupation of the development the existing building on the site shall be entirely demolished and any demolished materials which are not to be utilised in the new development shall be removed from the site.
- 7) Prior to the first occupation of the development the hereby approved means of access onto Weston Road shall be provided and made available for use thereafter. In accordance with a scheme to be submitted to and

approved in writing by the Local Planning Authority the existing site access shall be permanently stopped up within 14 days of the proposed means of access onto Weston Road being provided. Thereafter the closed access shall not be used by any vehicular traffic whatsoever.

- 8) Prior to the hereby approved means of access onto Weston Road being first brought into use, the visibility splays shown on drawing no. 1.30, Rev C, shall be provided and maintained clear of obstruction by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
- 9) Prior to the first occupation of the dwelling hereby approved the turning area and car parking spaces as shown on drawing no. 1.30, Rev C shall be provided. The turning area and car parking spaces shall be retained unobstructed at all times except for the parking and manoeuvring of motor vehicles.
- 10) Prior to the first occupation of the development there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of hard landscaping. The scheme shall include indications of all boundary treatments and hard surfacing materials. The development shall subsequently be carried out in accordance with the agreed details.
- 11) Prior to the first occupation of the development there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.