
Appeal Decision

Site visit made on 1 June 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/C3105/W/21/3270091

Moorlands Farm, Murcott, Kidlington, OX5 2RE

- 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 B Franklin against the decision of Cherwell District Council.
 - The application Ref 20/02669/F, dated 28 September 2020, was refused by notice dated 18 January 2021.
 - The development proposed is demolition of existing agricultural buildings and erection of three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Upon submission of the appeal, it was evident that there was a discrepancy with the planning reference number and the proposal was the subject of re-notification.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Oxford Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy and the effect of the proposal on the openness of the Green Belt;
 - whether any harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances to justify the development and;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Green Belt

4. The appeal site is on the through road leading into Murcott, fronted and partially screened by a row of conifers. The surrounding landscape is typified by flat and large agricultural fields.
5. The site is currently a farmyard consisting of a range of buildings arranged around a concrete yard. The buildings are of a mix of materials including

cladding, breeze block and sheet roofing, and have a variety of uses including the storage of equipment and fodder and animal husbandry.

6. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. Criterion (g) makes an exception for limited infilling or the partial or complete redevelopment of previously developed land.
7. The annex 2, glossary, of the Framework provides a definition of previously developed land: it precludes agricultural land. I therefore conclude that the site is not previously developed land.
8. Criterion (a) of paragraph 145 of the Framework allows new buildings for agriculture. They are essential to the use and maintenance of the countryside and as such have a role in the Green Belt. The existing buildings on the appeal site have a functional agricultural appearance and are therefore not inappropriate within the Green Belt.
9. The proposal would place three substantial dwellings and their gardens across much of the site. The proposal would remove the frontage landscaping and the development would be very apparent close to the frontage. The development would be overly assertive and would harm the perceived openness of the Green Belt. Paragraph 134 of the Framework affirms that the Green Belt has five purposes, one of which is to assist in safeguarding the countryside from encroachment, whilst Paragraph 145 asserts that new buildings are inappropriate.
10. Policy ESD 14 of the Cherwell Local Plan (LP) cross references to the Framework and reflects paragraph 145. Development is only permitted in very special circumstances, unless previously developed land and must not be detrimental to the visual amenity. The proposal would be in conflict.
11. I therefore conclude that the proposal would be inappropriate development and would spoil the openness of the Green Belt.

Character and appearance

12. The site is readily identifiable as an agricultural yard and as such is in keeping with the surrounding landscape. The existing buildings are simple and in well weathered and subdued materials; the buildings are not eye catching.
13. Two of the proposed dwellings would emulate converted barns, the third a farmhouse. However, these would not be seen in conjunction with a farmyard but would be within gardens, parking and an access drive, which collectively would form domestic surroundings. In such a context the proposed design as farm orientated buildings would not appear convincing.
14. The layout would place the third dwelling closely behind the two on the frontage. From the public domain the three dwellings would be seen as a collective mass, which would appear obtrusive in the countryside surroundings, particularly as the proposal shows little room for landscaping.
15. I therefore conclude the proposal would harm the character and appearance of the area.
16. Policies ESD 13 and ESD 15 of the LP as well as saved policies C28 and C30 from the earlier Cherwell Local Plan emphasise the importance of layout, design and external appearance, respect for the context, enhancement of the

landscape and the built environment. Paragraphs 127 and 130 of the Framework also promote high standards. The proposal would be in conflict.

Planning Balance

17. There is an extant permission for conversion of 3 of the barns. However, they have a smaller footprint, over a smaller site area which would involve less area of domestic space and paraphernalia compared with the appeal proposal. Consequently, the extant scheme would have a lesser impact on openness.
18. The dwellings would also have social and economic benefits, but that would also be the case with the extant permission for conversion.
19. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. Thus, when considering any planning application, substantial weight should be given to any harm to the Green Belt. That is a high hurdle to overcome. In this appeal I have found harm to the Green Belt by way of inappropriateness and to its openness and the above paragraph confirms that the essential characteristics of Green Belts are their openness and permeance. Balanced against that are the other benefits referred to above. The benefits of the proposal, for the reasons given, do not clearly outweigh the harm to the Green Belt.
20. The very special circumstances necessary to justify the development have not been demonstrated. Consequently, the proposed development conflicts with the Green Belt protection aims of Policy ESD 14 and the Framework.

Conclusion

21. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR