



Appeal Decision

Site Visit made on 29 October 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/D3125/W/21/3275849

Chimney Farm Barns, Chimney, Bampton OX18 2EH

- 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. Fergus Mitchell against the decision of West Oxfordshire District Council.
 - The application Ref 20/03010/FUL, dated 23 October 2020, was refused by notice dated 16 April 2021.
 - The development proposed is the change of use of land from ancillary space for holiday cottages to residential gardens.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr. Fergus Mitchell against West Oxfordshire District Council. This application is the subject of a separate decision

Preliminary Matters

3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site and the wider surrounding area are located within the Thames Vale Architectural Character Area¹. The area is rural in nature, and includes substantial areas of floodplain pasture. Whilst many of the buildings at Chimney Farm have been converted and/or renovated, it still assumes an agricultural character which is commensurate with this wider countryside setting.
6. Chimney Farm Barns comprise 3 converted farm buildings, which now benefit from unrestricted residential use. Rose Barn and Snipe Barn are laid out in an

¹ As described in the West Oxfordshire Design Guide

"m" shape, and each include a separate courtyard within the mouth of the "m". Owl Barn is attached to the south-western tip of the "m". The barns border a large gravel car park to the south, and Chimney Farmhouse sits to the east of the car park. The area immediately behind each of the barns remains undeveloped countryside. Due to this layout, the buildings form a relatively self-contained enclosure which is typical of an agricultural holding. As a result, the converted barns and their immediate surrounding area still manage to echo the agricultural legacy of the wider site, which contributes positively to the surrounding rural landscape.

7. The proposed development seeks to introduce a large garden to each of the barns. The new gardens to Rose Barn and Snipe Barn would sit immediately to their rear, and the garden to Own Barn would wrap around its front, side and rear. In total, the development would comprise a change of use of approximately 1,680m² undeveloped countryside to domestic garden.
8. By their nature, residential gardens typically comprise a variety of domestic paraphernalia, such as play equipment, garden furniture, sheds, washing lines and or areas of deck or other hardstanding. Given the extent of the proposed change of use, the associated proliferation of such paraphernalia would fundamentally alter the rural quality of the appeal site, by introducing a large swathe of domesticated land outside of the enclosed arrangement of farm buildings. In turn, this would erode the intrinsic agricultural character of the appeal site, which would be harmful to the wider countryside setting.
9. This domesticating effect would be in direct conflict with the provisions of the Council's Design Guide², which highlights the importance of preserving the open nature of farmyard or courtyard groupings, as well as the relationship between agricultural buildings and their surrounding landscape. The guidance is explicit that residential features in such locations, including lighting, garden spaces, sheds, patios, washing lines and climbing frames "*will have a detrimental effect on the character of an agricultural building and its setting, and should be avoided or minimised*".
10. Moreover, the flood pasture to the west of the appeal site is noted for its distinctive "*intimate, semi-enclosed and pastoral character that is remote and tranquil with limited intrusion by people and buildings*³". Given the very flat topography of this land, the domestication of the appeal site would be visually apparent even from afar, which would undermine the prevailing sense of intimacy and tranquillity that typifies this area.
11. For these reasons, the development would harm the character and appearance of the area. It would conflict with Policies OS2 and EH2 of the West Oxfordshire Local Plan 2031 (adopted 2018), which seek to ensure any development conserves and where possible enhances the intrinsic character, quality and distinctive features of the natural landscape. The proposal would also conflict with the overarching objectives of the Framework, which places great emphasis on the protection of the countryside.

Other Matters

12. Whilst the landscape proposals would go some way towards mitigating against the visual impact of the development, they would not overcome the harm to

² West Oxfordshire Council, Design Guide 15: Conversion of Agricultural Buildings

³ West Oxfordshire Landscape Assessment, approved 1998

the character of the area that would arise from the domestic sprawl outside of the enclosed layout of farm buildings.

13. In terms of the telegraph poles and overhead cables within the site, such equipment is common to rural settings and their presence does not erode the intrinsic countryside quality of the site. Moreover, whilst the appeal site is slightly elevated from the adjacent floodplain, the land still remains largely undeveloped and therefore provides a natural transition between the rural floodplain to the west, and the more built-up setting of the farm to the south and east of the barns. The site's relationship with the surrounding landscape is therefore significant, and warrants protection.
14. Both Snipe Barn and Rose Barn already benefit from private courtyard gardens, which provide a good level of quality outdoor amenity space in conjunction with their use. Whilst Owl Barn lacks its own designated area, any shortfall of private amenity space should not be to the detriment of living conditions of the barns' occupiers, given their wider countryside setting.
15. Whilst I appreciate the additional garden space may improve the marketability of the barns, there is no evidence before me to suggest any particular issues with lettings. As such, any associated benefits with improved economic performance or support to the local economy can only carry limited weight in my decision. In terms of any potential benefit deriving from the development in respect of noise containment, unfortunately this would not outweigh the harm to the character and appearance of the area that has been identified above.

Conclusion

16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR