



Appeal Decision

Site visit made on 30 May 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/D3125/W/22/3313665

Westfield Farm, Churchill Road, Chipping Norton OX7 5UP

- 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 Robin Woodcock against the decision of West Oxfordshire District Council.
 - The application Ref 22/01857/FUL, dated 30 June 2022, was refused by notice dated 30 August 2022.
 - The development proposed is conversion of agricultural storage building to a holiday home.
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Decision

1. The appeal is allowed, and planning permission is granted for conversion of agricultural storage building to a holiday home, at Westfield Farm, Churchill Road, Chipping Norton OX7 5UP, in accordance with the terms of the application, Ref 22/01857/FUL, dated 30 June 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area, with particular regard to the extent to which it would conserve or enhance the landscape character and natural beauty of the Cotswolds Area of Outstanding Natural Beauty.

Reasons

3. The site is within the countryside outside of Chipping Norton. It is part of the Cotswolds Area of Outstanding Natural Beauty (the AONB). Policy OS2 of the West Oxfordshire Local Plan 2031 (adopted September 2018) (LP) seeks to locate development in the right places. It states that development in the countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. This is subject to the general principles of OS2 including that development should protect or enhance the local landscape and that in the AONB, great weight should be given to conserving landscape and scenic beauty. The need to protect the AONB is also set out in Policy EH1.
4. The building proposed for conversion is a relatively modern, non-traditional farm building. Under Policies E2 and E3 of the LP, re-use of this non-traditional building for tourism in the countryside would be supported where it makes a positive contribution to farm diversification, subject to criteria. The proposal is specifically for a holiday home and hence can be considered as tourism. The appellant states the proposal is farm diversification and while I have not been

presented with any substantive evidence on the matter, the Council have not disputed this. The application was refused on the basis of its visual impact, rather than because it was not farm diversification, so I have considered the appeal on the same basis.

5. The site and the surrounding area is within the 'semi-enclosed valleys and ridges' Landscape Character Area. It has an attractive rural character which features a patchwork of diverse field patterns, hedges and woodland, set on valley sides. The appeal building is a modest metal framed agricultural store, with a low blockwork base and walls and roof of fibre cement and metal sheeting. It is located at the edge of the farmyard, but adjacent to a collection of other farm buildings and structures. At present, the building is agricultural in its appearance but is poorly maintained so does not make a positive contribution to the character and appearance of the site or the wider area.
6. The proposal would clad the building in timber, similar to other buildings elsewhere on the farmyard, and install a replacement profiled metal sheet roof. Existing openings would be filled in and new doors and windows inserted. These would be modest, proportionate to the scale of the building and commensurate with openings on other buildings in the farmyard. I do not consider these alterations to be excessive. Therefore, notwithstanding guidance in the West Oxfordshire Design Guide supplementary planning document, while the proposed new openings would domesticate the appearance of the building to an extent the visual impact on the area would be minimal. The modest scale, simple design and materials would ensure the building did not appear overtly domestic or urban and it would not be incongruous in its agricultural and rural setting.
7. Therefore, the general character and form of the proposed building would not be harmful to the site and its surroundings. The scale and type of use would be suitable to its location and would not result in excessive alterations or extension. Consequently, the proposal can meet the specific criteria set out under Policy E3 to allow for the re-use of non-traditional buildings, including modern farm buildings, for tourism.
8. The building is on the edge of the farmyard, where the adjoining land begins to drop away into the valley, making it a prominent location. As a result, the proposal would be visible from some vantage points along public rights of way and from Chipping Norton Common. However, the separation distance is several hundred metres and from many perspectives there is intervening vegetation as well as the building being viewed against the backdrop of the existing collection of farm buildings. Mature trees and hedgerow provide a good level of screening of the site from the road. Taken together, these factors are sufficient to ensure the proposal would not be detrimental to the appreciation of the landscape from public vantage points.
9. The Council have also raised concerns about the potential visual impact of paraphernalia and outbuildings associated with the proposed use as well as the outdoor amenity space and access track. Given the scale of any paraphernalia and the distance to public viewpoints, any such items would not have a detrimental visual impact, subject to suitable landscaping and boundary treatments, which could be secured by condition. Such conditions would also be able to ensure that the amenity space and access track were visually acceptable and prevent the addition of outbuildings.

10. The Council do not want the long term retention of a building which currently has no merit but have not put forward a way of securing its removal. The changes proposed to convert the building also improve its appearance. The proposal would also result in the removal of shipping containers and part of a poorly maintained Dutch barn. Together, these elements would result in a modest improvement to the appearance of the site.
11. I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the site and the surrounding area and would conserve the landscape character and natural beauty of the Cotswolds AONB. Consequently, the development would comply with Policies OS2, E2, E3 and EH1 of the LP and paragraph 176 of the National Planning Policy Framework.

Other Matters

12. The increase in traffic as a result of the proposal would be minimal. I have been presented with no substantive evidence that this would lead to highway safety issues.
13. The requirements of the Countryside and Rights of Way (CROW) Act 2000 are not for me to consider under the provisions of a Section 78 planning appeal.

Conditions

14. The Council suggested conditions. I have considered the suggested conditions and amended them as necessary, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance. I have also added to the suggested conditions to ensure an acceptable development. The parties have had the opportunity to comment on the conditions.
15. A condition specifying the approved plans is necessary to provide certainty. Conditions to specify materials and secure appropriate landscaping and boundary treatments are also necessary in the interests of the character and appearance of the site and surrounding area. To protect character and appearance it is also necessary to remove permitted development rights which might allow the addition of outbuildings or unsuitable boundary treatments.
16. The proposal expressly relates to a holiday home and has been assessed and allowed on the basis of being for tourism. The proposal would not meet the relevant policy requirements to be acceptable as a main or sole residence. Consequently, it is reasonable, necessary and relevant to planning to apply a condition to ensure the building is only used as holiday accommodation. Such a condition would also be enforceable.
17. Given the agricultural nature of the site and the use of the building for storage, it is necessary to ensure there is no contamination. To this end, conditions have been applied to secure assessment and remediation of any contamination. I have kept the use of pre-commencement clauses to a minimum, but given that the building is already on site, it is necessary to secure an assessment of contamination before any work begins.
18. As the development is in the countryside and an AONB, it is necessary to secure details of any proposed outside lighting in order to minimise light pollution.

Conclusion

19. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is allowed.

Helen Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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 drawings: Block Plan Ref KCC3256/04; Elevations and Floor Plan (Rev. A) Ref KCC3256/01A.
- 3) The development shall be constructed with the materials specified in the application.
- 4) The development hereby permitted shall not be occupied other than as holiday accommodation. It shall not be occupied at any time as the main or only residence of any occupier.
- 5) No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins.
- 6) If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The Remediation Scheme shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

- 7) Prior to first occupation of the development hereby permitted, details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the approved details prior to first occupation. The scheme shall include:
- Boundary treatments, including those to define the outside amenity space;
 - Layout of the outside amenity space; and
 - Layout and surfacing of the access track and parking area.
- 8) No external lighting shall be installed or used to serve the development hereby permitted other than in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings shall be erected within the site. No fences, gates or walls shall be erected, other than those in the landscaping scheme approved under condition 7.

*****End of Conditions*****