



Appeal Decision

Site visit made on 30 May 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/Q3115/W/22/3310770

Manor Farm Barns, Chinnor Road, Crowell OX39 4RG

- 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 Miss C Crawley against the decision of South Oxfordshire District Council.
- The application Ref P22/S1452/FUL, dated 13 April 2022, was refused by notice dated 6 July 2022.
- The development proposed is described as the Conversion of home office into self contained 1 bed dwelling with associated carport and parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. According to the application description, plans and from what I saw upon my site visit, the subdivision of the garden with fences to create a self-contained dwelling and garden space have already taken place. As such the application is retrospective and I have dealt with the appeal on this basis.
3. There is a difference in opinion¹ between the parties as to whether the appeal site is within the setting of a heritage asset/s. Having read the appeal documents and from my site visit, the appeal site is within close proximity to three listed buildings: The Granary (Grade II); Ellwood House (Grade II) and Manor Farmhouse (Grade II). Each of these listed buildings appears to have formed part of the historic farmstead and there is an inherent linkage in historic use, placement, and layout of the buildings within the outskirts of the village with agricultural land beyond. The setting of these listed buildings is quite wide and includes this relationship towards the other agricultural buildings surrounding as well as the farmstead as a whole and its linkage to its agricultural origins.
4. The appeal building is part of a new development which was a result of the demolition of an existing barn situated within the farmstead, with the new buildings (main building divided into 6 dwellings and single storey carport) deliberately designed to emulate a farmstead-like appearance. The Council have supplied copies of the decision of the previous application for the new buildings which considered that the new buildings (which includes the appeal site) were within the setting of the three listed buildings. Taking the above into account, and from my own observations of the site, I too conclude that the

¹ Both parties were emailed on the 12 June 2023 with regards to their opinion of whether the appeal site was within the setting of any listings. The Appellant replied by email dated 13/06/2023 stating that they did not consider the appeal site to be within the setting, whereas the Council replied by email 19 June 2023 stating that the appeal site was within the setting.

appeal site is within the setting of the three listed buildings and will consider my duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) in addition to the Development Plan and any relevant material considerations.

Main Issue

5. Taking the above into account, the main issue is the effect of the proposal upon:

- The character and appearance of the area, including the setting or any features of special architectural or historic interest which the surrounding listed buildings (The Granary, Grade II; Manor Farm, Grade II; Ellwood House, Grade II) possess; and
- The living conditions of the future occupiers of the appeal site, with particular consideration to outlook, privacy and provision of private garden space.

Reasons

Character and Appearance

6. Section 66 of the PLCBA prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, including its setting. Additionally, South Oxfordshire Local Plan 2035 (LP) Policies DES1 and DES2 are design-led policies which seek that development meet a number of design principles that seek to ensure high quality development and enhances local character by responding to context, site, character and its surroundings, amongst others. Paragraphs 134 and 135 of the National Planning Policy Framework (The Framework) also seek that development should be well designed and in accordance with local design policies.
7. The appeal site was constructed relatively recently as a result of a planning application that saw the demolition of an agricultural barn that was part of a steading for the construction of a new building and associated carports. As the new building was in place of part of an agricultural steading it has been designed deliberately in a way which seeks to emulate an agricultural barn and mimics some of typical characteristics. It would appear that a good deal of consideration has been given to the form and layout of the buildings in order to follow the principles of designs of steadings, particularly the layout and design of the new buildings, and the low post and railing boundary fences between dwellings which seek to maintain an openness in and around the buildings as per its presence within this relatively rural/edge of village location.
8. As designed, the main new building has been subdivided to form 6 dwellings and narrow rear gardens to each of the dwellings. To the rear of the six dwellings is a detached long single storey carport and small courtyard for vehicular turning. At the end of the carport and behind the dwelling labelled 'Plot 2,' on the approved plan² the carport roof line and form continues and according to the approved plans, forms a home office for Plot 2.

² Site Plan, DRWG No 1617-SP2 RevG

9. Whilst the buildings as part of the appeal site are relatively new, there are clear linkages to the agricultural origins of the site whereby the remaining historic buildings contribute strongly to this significance which concerns the remaining historic fabric, the simple and functional construction and layout of surrounding and new buildings, the quality of the materials and craftsmanship and how they relate to the former form and function of a group of largely unaltered remaining historic agricultural buildings. These buildings are experienced together as a farmstead and are valuable in allowing an understanding of the various agricultural operations, functions and relationships between the land and associated buildings. Additionally, the setting of the farmstead is quite large given its location at the edge of the village with a somewhat isolated and prominent position and appearance within the wider landscape.
10. The proposed scheme introduces elements such as a tall boundary fence which would be present to the rear of plots 1 and 2, increasing activity to the rear of the dwellings which were previously designed as for vehicular parking and uses associated with the main dwellings. The proposed use would introduce further residential paraphernalia, and be formed with a small courtyard type garden area with high fences which is a divergence from the larger and open rear gardens of the remainder of the site. The placement of a tall fence and small enclosed garden do present as an unusual and awkward juxtaposition and space which is unlike anything around it. Whilst I agree with the appellant that the built form itself is approved and is not objectionable as a structure, it is however the use, as well as the associated infrastructure such as the fencing which make the proposed development cramped and awkward within this particular context.
11. In this particular development there is an emphasis on spaces in and around dwellings, with a key linkage between the landscape and the surrounding agricultural steading. The change of use of the home office has more in common with backland development, with the entire rear garden of the proposed dwelling a closed boarded fence with minimal outward aspect as the experience of this home office is a feeling of being in one's back garden. As the surrounding development is quite open with clear entrances, I disagree that this dwelling has a 'pleasant approach.' The approach is rather within a parking court where one has to navigate past the car port, then down a small and narrow corridor provided by the close boarded fence and the carport to access the front door. This is at odds to the way the remaining dwellings as part of the new development are accessed, contributing to the contrived layout of the proposal which feels like it has been developed in isolation from the wider development. Consequently, the proposal would be contrary to LP Policies DES1 and DES2 as described previously.
12. Turning to my duty under S66 of the PLBCA, the setting of the listed buildings is part of its significance and interpretation of this historic collection of agricultural buildings. The introduction of a further dwelling along with associated fencing introduces a form and use which further erodes the quality of the development and further detaches from the intentions of the development to appear as an organic form to this historic farmstead. However I appreciate that the 6 additional dwellings also affect this authenticity of the farmstead, and that the inclusion of this further dwelling in this particular circumstance would result in neutral harm and thus fulfilling my duty under s66 of the PLBCA.

13. I also appreciate commentary within the appellant's SoC with regards to the benefits arising from the proposal, such as the provision of small housing. I also note that the proposal has also benefited short term employment opportunities in constructing and fitting out the building and the socioeconomic benefits such as increased local expenditure into the local area, all of which are policy objectives. Whilst this may be the case, these benefits would not outweigh the harm to character and appearance that I have identified.
14. Overall, and in conclusion of this matter, I therefore find that the proposed change of use and associated infrastructure to facilitate the change would be detrimental to the character and appearance of the locality. The development would conflict with LP Policies DES1 and DES2 as described previously.

Living conditions

15. When considering the impact towards living conditions, LP Policy DES5 seeks to ensure appropriate amenity space is provided for occupiers, and that the amount of amenity space provided is determined by the size of the dwelling and the character of surrounding development. Additionally LP Policy DES6 seeks that new development does not cause significant adverse impacts in areas such as privacy, daylight, visual intrusion, sunlight, amongst others. The South Oxfordshire Design Guide Section 7 further gives advice regarding the provision of amenity space, and distances between dwellings to avoid harm to living conditions.
16. The front of the building faces directly towards a timber fence, with side windows facing the small courtyard garden with the upper level illuminated by roof lights. Whilst I agree with the appellant that such scenarios are not uncommon, particularly in more densely populated areas, the LP Policy seeks to measure appropriateness in terms of the surrounding character, where in this particular location such a closed and confined outlook and small courtyard amenity spaces are unusual. The proposed amenity space is small and surrounded by boundary fences, and whilst this provides some screening from views, the proximity of first floor windows from the neighbouring property at Plot 2 is problematic. Whilst in the garden, the future residents would have an increased level of perception of the neighbouring windows of Plot 2, particularly of an evening where increased lighting would be more prominent and vice-versa from the proposed garden into the window of Plot 2.
17. Additionally, I note comments from the Appellant's Statement of Case with regards to East Barn and that in their opinion there is no overlooking because the upper floors of this building are served by rooflights. Whilst this may be the case, correspondence received from the occupants of East Barn confirms that the roof lights are at waist height and would allow direct overlooking of the garden of the appeal site.
18. Taking the above into account and in conclusion of this matter, the proposed development would provide an unacceptable outlook, privacy and amenity space which both would cause adverse material detriment to the living conditions of the future occupiers and the occupiers of Plot 2. As such, the proposal would conflict with LP Policies DES5 and DES6, including the design guide as detailed previously.

Other Matters

19. I note comments from an interested party with regards to the parking provision of the site and that there is insufficient provision for the additional dwelling. I note comments from the Council's Officer report with regards to parking and that they would have no objections. I have no reason to dispute this opinion, and given the appeal fails on both reasons, there is no need to delve into this issue any further.

Conclusion

20. For these reasons, I conclude that the appeal should be dismissed.

J Somers

INSPECTOR