



Appeal Decision

Site visit made on 11 July 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/Q3115/W/22/3312589

Newells Farm, Stadhampton, Oxfordshire OX44 7XJ

- 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 J Hunt against the decision of South Oxfordshire District Council.
 - The application Ref P22/S0550/FUL, dated 4 February 2022, was refused by notice dated 27 June 2022.
 - The development proposed is alterations to existing building (in association with deemed approved use of building for C1 (Hotels) purposes).
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Decision

1. The appeal is allowed and planning permission is granted for proposed alterations to existing building (in association with deemed approved use of building for C1 (Hotels) purposes) at Newells Farm, Stadhampton, Oxfordshire OX44 7XJ in accordance with the terms of the application, Ref P22/S0550/FUL, dated 4 February 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P100, P101, A1.2
 - 3) The development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in external facing materials which shall previously have been approved in writing by the Local Planning Authority.
 - 4) No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved CTMP and shall be maintained throughout the course of the development.

Preliminary Matters

2. I have taken the address of the site from the Council's Decision Notice, which is more concise than that used in the application form. The appellant has used this address in the appeal form and so I am satisfied that no parties would be prejudiced as a result.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The site lies on the edge of Stadhampton and consists of a large barn. It is within a complex of agricultural buildings, some diversified including a busy farm shop. The site and the complex are accessed from the junction of the A329 Newington Road and Bear Lane, using a track leading from Newells Close. The track is only wide enough for one vehicle and a Public Right of Way also runs along it. The proposal seeks to make alterations to the existing building. These would include replacement cladding, a brick skin over existing areas of blockwork and a new slate roof with roof lights, in connection with its use as a hotel.
5. The building has deemed consent under Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (the GPDO), for the change of use of the barn to a hotel. This follows the submission of a prior approval application¹. This consent has only been granted by default, following the Council's failure to reach a decision on the prior approval application within the relevant deadline. However, this does not alter the fact that use of the building as a hotel already has consent.
6. The building is in a countryside location with limited access by public transport. Users of the building as a hotel are therefore likely to travel by private car. As such, the change of use may well result in vehicle congestion, stacking and obstruction of visibility at or around Newington Road, Newells Close, Bear Lane and their junction. Additional vehicular use of the narrow track may require potentially risky reversing manoeuvres, for instance when vehicles travelling in opposite directions to and from the site meet.
7. The site has a car parking area, but few details of the arrangements for parking or turning have been provided, including for deliveries. Although only a snapshot in time, I saw that parking on the pavement of Newells Close already takes place. This narrows the carriageway and requires some pedestrians, including those with prams or mobility difficulties, to walk in the carriageway. Those using the track itself have only the grass verge to avoid traffic, which may not always be suitable.
8. The change of use may well therefore increase levels of conflict between road users, and therefore risks to safety, particularly at night or in inclement weather, when in the absence of street lighting visibility is reduced. These risks however would be somewhat tempered by low vehicle speeds because of the narrow width of the road and track, and existing speed limits.
9. The right under Class R, Part 3 of the GPDO does not itself permit operational development. The barn may well require physical alteration to enable its conversion to hotel use. However, the proposal before me is for alterations to the existing building, not the change of use itself. I have little evidence to suggest that implementation of the deemed consent is reliant on the proposal itself, or that there are no other ways that it could be undertaken within the scope of the consent that already exists.
10. The proposal includes a dotted red line showing access via Newells Close which I understand was not shown on the deemed consent. However, this does not change the fact that the building has consent for use as a hotel, and no other

¹ LPA reference P21/S3919/N4C

possible means of access for that use has been identified. There is little suggestion that the proposal would materially increase the size of the building or the number of rooms beyond the deemed consent.

11. Therefore, the physical changes which form the proposal would not result in risks to the users of local roads, the track or the Public Right of Way, beyond the use already approved under the deemed consent. I therefore conclude that the proposal before me would not have a harmful effect on highway safety. It would therefore not conflict with policies EMP10 and TRANS5 of the South Oxfordshire Local Plan, adopted December 2020. These policies support suitable economic growth in rural areas and require safe and convenient access for all users. For the same reasons, there would be no conflict with the similar aims of the National Planning Policy Framework.

Other Matters

12. The physical changes would reflect the agricultural design of the barn. As such, they would not harm the character and appearance of the area or result in additional encroachment or urbanisation of the countryside. I have little reason to believe that the proposal would result in the loss of the farm shop. Loss of the barn to agriculture and any noise associated by the proposed use already has deemed consent. There is no planning policy requirement for the appellant to demonstrate that a need for the hotel exists.

Conditions

13. The Council has provided a list of conditions, which I have assessed having regard to the advice in the Planning Practice Guidance. As well as the standard time limit for commencement, a condition requiring adherence to the approved plans is necessary for certainty. It is also necessary that development takes place using the approved external facing materials, in the interests of the character and appearance of the area.
14. The proposal would involve building works and so submission of a Construction Management Plan before this commences is required to ensure highway safety and the living conditions of nearby residents. The Council has suggested a condition requiring the provision of turning and parking areas. However, this relates primarily to the use of the site, rather than the proposal that I am considering. As such, the proposed external changes would not themselves generate a need for parking and turning areas, so this suggested condition is not justified.

Conclusion

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

O Marigold

INSPECTOR