



Appeal Decision

Site visit made on 5 September 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20.10.2023

Appeal Ref: APP/D3125/W/22/3311603

The Old Bull Inn, Filkins, Lechlade GL7 3HU

- 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 Ms J Burwood against the decision of West Oxfordshire District Council.
 - The application Ref 22/00821/FUL, dated 21 March 2022, was refused by notice dated 24 August 2022.
 - The development proposed is the conversion of the existing forge and adjoining barn/outbuilding to create an independent dwelling together with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing forge and adjoining barn/outbuilding to create an independent dwelling together with associated works at The Old Bull Inn, Filkins, Lechlade, GL7 3HU in accordance with the terms of the application, Ref 22/00821/FUL, dated 21 March 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Ms J Burwood against West Oxfordshire District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The address of the appeal site in the banner heading above is taken from the Council's decision notice. It differs from the address on the planning application form which refers to the site as The Forge. However, as the buildings to which the appeal relates are used for storage purposes ancillary to the adjoining residential property known as The Old Bull Inn, the Council has used this address. I have used this address for the same reason.

Background and Main Issues

4. The proposal seeks to convert The Forge into a 3 bedroom detached dwelling, with vehicular access via the existing shared private driveway from the B4477 which serves The Old Bull Inn. The alterations to the building reflect those approved as part of a previous permission granted by the Council for the 'Conversion of existing forge and adjoining barn/outbuilding to create self-contained living accommodation' (Ref. 18/01934/FUL). The Council's submissions indicate it has no objection to the design of the proposed works to convert the building, which it previously considered to be appropriate and would preserve the character of the building.

5. The main issues are therefore whether the proposed development would preserve or enhance the character and appearance of the Filkins and Broughton Poggs Conservation Area (the CA); and whether the proposed development would preserve the setting of The Old Bull Inn and Horseshoe House as a listed building (the LB).

Reasons

Character and appearance of the Conservation Area

6. The appeal relates to The Forge and the adjoining barn (The Forge), and adjoining land, located to the rear of The Old Bull Inn. The appeal submissions indicate that the buildings, which are now used for ancillary storage purposes in association with The Old Bull Inn, were historically in separate ownership. They were last used for the manufacture and repair of agricultural machinery and equipment, with vehicular access from the B4477.
7. The site lies within the CA. The significance of the CA is derived, in part, from the high concentration of historic buildings of architectural merit, including a significant number of listed and locally listed buildings. The settlement, which has a semi-rural character, includes farmhouses and their farmstead buildings and workers' cottages, and is surrounded by open countryside. It is linear in form, with occasional groups of dwellings to the rear of the frontage development extending outwards. This arrangement contributes positively to the significance of the CA as a designated heritage asset.
8. The Forge is a simple vernacular building, together with its associated paddock, it lies to the rear of The Old Bull Inn. The land is enclosed by the adjoining residential properties, which comprise of a range of ages and architectural styles. Historic maps dating back to the Ordnance Survey First Edition 1881 indicate that The Forge was in situ prior to the more recent nearby residential development, including that adjoining the site at The Gassons. Access to the site is proposed via the historic vehicular access from the B4477, which has recently been reinstated. The Forge, together with the access is therefore part of the historic layout and form of this part of the settlement. Its conversion to a separate residential dwelling in this location, including the associated paddock area as garden, whilst a different use, would nevertheless maintain the established settlement pattern.
9. I note the Council's concerns regarding the potential visual impact of residential paraphernalia, including the proposed parking area, associated with a separate dwelling. The proposed dwelling would utilise the existing vehicular access to the site, with the addition of only a modest gravel drive, pathway and bin store proposed. At my site visit I observed that an area similar in size and siting to the gravel area shown on the submitted drawings to serve the development, is currently in use by the appellant for the parking of vehicles that now access the site via the B4477. In addition, the boundary features, including the existing dry-stone wall, to the rear of The Old Bull Inn are in situ and would be retained.
10. The Council do not suggest any other items of residential paraphernalia which would be particularly harmful. I am mindful that the use of The Forge as ancillary accommodation would itself introduce a degree of domestication of the building and its immediate environs. Moreover, given the scale of the proposed dwelling any domestic paraphernalia associated with it would be likely

to be small scale and would not detract from the overall open character of the site. In addition, given the contained nature of the appeal site any visual effects would be localised. As such, there is no substantive evidence that any residential paraphernalia associated with the occupation of The Forge as a separate dwelling, would have a significant adverse visual effect that would give rise to any tangible harm.

11. For the foregoing reasons I conclude that the proposal would preserve or enhance the character and appearance of the CA and would not undermine its significance as a designated heritage asset. The proposal would therefore comply with the collective aims of Policies EH9, EH10, and EH13 of the West Oxfordshire Local Plan 2031 (WOLP) which among other things seek to ensure development is of high quality design that respects the historic environment. It would also accord with the aims and objectives of the National Planning Policy Framework (the Framework) in respect of the historic environment.

Setting of the listed building

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that, in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
13. The Old Bull Inn and Horseshoe House form an attractive Grade II listed building. The significance of the LB is informed by its architectural and historic interest as a building dating back to the mid-18th century. The listed building description mentions various interesting architectural aspects. The building occupies a prominent position in the main route through the village. Views towards the rear of the LB building in which the appeal site would be apparent are largely limited to those from the nearby residential properties to the rear of the building and their gardens, as well as the private driveway.
14. The setting in which the LB is experienced is contained to a degree by the existing built form, including the surrounding residential development. The immediate setting of the LB is therefore already defined in part by existing houses and domestic paraphernalia. Despite the existing boundary treatment between the site and The Old Bull Inn, there is nevertheless a high degree of intervisibility between the appeal site and the LB. As such, the undeveloped nature of the paddock, aside from The Forge building, makes a positive contribution to the setting of the LB.
15. For the reasons set out above, I have found that the conversion of The Forge to a dwelling would not give rise to any significant effects on the appearance of the site, nor would it compromise the openness so as to diminish the contribution it makes to the character and appearance of the CA. In these regards the proposal would also preserve the setting of the LB, including views towards it.
16. Notwithstanding this, permitted development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) would allow the erection of potentially significant development in the new residential curtilage of the proposed dwelling. This would include ancillary outbuildings or enclosures and swimming or other pools

which could have the potential to erode the current sense of openness of the appeal site and as such harm the setting of the LB. To preserve the setting of the LB, is, therefore, necessary to remove the right to carry out such development and that can be secured by condition.

17. Considering the above I conclude that the conversion of The Forge to a dwelling would preserve the setting of the LB and would not undermine its significance. In these regards it would accord with Policy EH11 of the WOLP which requires proposals which affect the setting of listed buildings to respect the building's setting. It would also reflect the aims of the Framework with regards to conserving the historic environment.

Other Matters

18. I note concerns raised by interested parties regarding the effect of the proposed development on the living conditions of the occupiers of neighbouring properties in relation to privacy, noise and light. However, the council has not raised an objection to the proposal on these grounds. Moreover, given the scale and siting of the development, I have no reason to disagree. A suitable planning condition could be imposed to ensure the ground floor window in the rear elevation of the proposed dwelling would not give rise to any overlooking.
19. Whilst I acknowledge concerns regarding the access arrangements, the Highway Authority have raised no objection to the proposal on highway safety or convenience grounds for future occupiers of the development, including delivery or service vehicles. I have not been presented with any compelling evidence to demonstrate otherwise, or that the proposal would lead to an increase in pedestrian or vehicular traffic on Hazells Lane.
20. Whilst I appreciate concerns regarding matters relating to land ownership and rights of access, as well as the future maintenance of the access drive. These are not determinative in the appeal and should be resolved outside of the appeal process.
21. With regards to the treatment of asbestos, I have no substantive evidence regarding the presence of such at the site, or in the event that there is, that existing regulations and controls could not satisfactorily deal with these matters.
22. Any concerns regarding due process during the processing of the planning application, including public consultation, fall outside of the remit of this decision.

Conditions

23. In addition to the standard timescale condition, a condition specifying the relevant plans is necessary to provide certainty. The plans also include details of external materials. A condition is necessary to secure details of a Construction Method Statement to safeguard the living conditions of the occupiers of neighbouring properties, and in the interests of highway safety. In addition, a condition to require the ground floor window in the rear elevation of the dwelling to be obscure glazed and non-opening is necessary to ensure the privacy of the adjoining property. The rooflights in the rear elevation of the proposed dwelling would serve the first-floor void so would not result in any overlooking.

24. A condition is imposed to ensure surface water generated from the proposal is disposed of appropriately to ensure the proposal would not exacerbate flooding in the locality. The suggested condition includes detailed information requirements. However, I have omitted these so that the parties can agree the precise requirements based upon relevant guidance and site circumstances at the time that the details are agreed.
25. For the reasons set out above, I have imposed a condition to remove permitted development rights for development under Class E of the GPDO. Given the great importance and weight that must be attached to the protection of heritage assets, there is clear justification for such a condition in this case.
26. The Council's Environmental Health Officer has also suggested a condition to secure details of floodlighting. However, there is no evidence to suggest that the proposed residential use would result in levels of light nuisance that would be at odds with the residential context. As such this condition would not be reasonable or necessary.

Conclusion

27. For the foregoing reasons, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed.

E Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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 plans: Dwg No. PP01 – Site Location Map, Dwg No. PP02 – Proposed Site Plan and Dwg No. PP03 – Proposed Plans and Elevations.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials, including times of construction vehicles trips to the site;
 - storage of plant and materials used in constructing the development;
 - measures to minimise the noise (including vibration) generated by the construction process;
 - measures to control the emission of dust and dirt during construction;
 - delivery, demolition, and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Prior to the first occupation of the dwelling hereby approved, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
- 5) 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 development in Schedule 2, Part 1, Class E shall be carried out without express planning permission first being obtained from the Local Planning Authority.
- 6) The dwelling hereby permitted shall not be occupied until the ground floor window in the rear elevation has been fitted with obscured glazing, and no part of that window shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

*******end of conditions*******