



Appeal Decision

Site visit made on 19 October 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2023

Appeal Ref: APP/Q3115/D/23/3321937

The White House, Water Lane, Drayton St. Leonard, Wallingford, Oxfordshire OX10 7BE

- 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 James Phillips of Prime Oak Ltd against the decision of South Oxfordshire District Council.
 - The application Ref P23/S0496/HH, dated 8 February 2023, was refused by notice dated 5 April 2023.
 - The development proposed is described as 'the erection of two-bay, oak-framed garage with home office above following removal of existing lean-to garage'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two-bay, oak-framed garage with home office above following removal of existing lean-to garage at The White House, Water Lane, Drayton St. Leonard, Wallingford, Oxfordshire OX10 7BE in accordance with the terms of the application, Ref P23/S0496/HH, dated 8 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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;
 - Drawing No. 86127/01- Location Plan, Drawing No. 86127/02 – Block Plan and Drawing No. 86127/13 – Proposed.
 - 3) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;

- Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal site lies within the Green Belt and is occupied by a large, 3-storey grade II listed building. The Framework, at paragraph 149 sets out that the construction of new buildings within the Green Belt is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. There are however several exceptions set out in paragraph 149 where development would not be inappropriate, one of which relates to the extension or alteration of a building. This applies on the proviso that the development would not result in disproportionate additions over and above the size of the original building. The Framework does not define what is meant by disproportionate additions beyond a comparison between the original building, any built extensions, and the extent of what is proposed.
4. Policy STRAT6 of the South Oxfordshire Local Plan 2011-2035 (Local Plan) is consistent with the Framework, outlining that the Green Belt and its key functions will be protected from harmful development. Development is restricted to those limited types of development which are not deemed to be inappropriate by the Framework, unless very special circumstances can be demonstrated.
5. Local Plan Policy H20 thereafter deals specifically with residential extensions and ancillary buildings. Consistent with the Framework, it sets out that extensions to dwellings in the Green Belt will be permitted provided that the development would not result in disproportionate additions over and above the size of the original building. Like the Framework, the policy does not define what is meant by disproportionate additions and there are no specified percentage increases or size parameters indicated as being potentially acceptable. The test of proportionality is therefore a subjective exercise.
6. The proposed garage would occupy an area of hardstanding which is currently used for vehicular parking. Although the proposal would be detached from the main dwelling, it would have a functional and close relationship both physically and visually and its scale would be domestic. Consequently, it would appear as a normal domestic adjunct. Under these circumstances, it is my view that the appeal development could be considered as an extension of a building for the purpose of paragraph 149 c).
7. For the purposes of the Framework and Policy H20 'original building' means a building as it existed on 1 July 1948 or, if constructed after that date, as it was originally built. The 1922 Ordinance Survey (OS) plan demonstrates that the appeal property was once much larger than it is today. However, the later OS mapping shows that the rear wing was removed sometime between 1922 and 1960.
8. Although of assistance, the mapping does not conclusively demonstrate the position on 1 July 1948. Therefore, I have based my assessment on what I saw on site and the submitted documents. With the exception of the 1960's lean-to extension, and in the absence of any evidence to the contrary, I am satisfied

that the building which I observed at my site visit would have been in existence on 1 July 1948. Therefore, I have taken this to constitute the original building for the purpose of Green Belt policy.

9. The proposed garage would increase both the external dimensions and volume of the original building. Whilst it would incorporate 2 storeys, the first floor would be accommodated within the roof meaning that the garage would not have the appearance of a 2-storey building. Further, it would be set away from the dwelling and its scale would be modest. Whilst the evidence suggests that the removal of the lean-to would offset the proposed extension, even if this was retained, I do not consider that the total sum of the existing and proposed additions, would amount to disproportionate additions over and above the size of the original building. Therefore, it is not necessary to condition the removal of the lean-to.
10. For these reasons, the proposal would not be inappropriate development in the Green Belt as defined by paragraph 149 of the Framework. It would also comply with Policies STRAT6 and H20 of the Local Plan in so far as the appeal proposal would not be a disproportionate addition to the original building.
11. The reason for refusal indicates that the proposal would affect the openness of the Green Belt. However, as I have found that the proposal would not be inappropriate development, paragraph 149 c) does not require me to consider this aspect any further. I therefore have not done so.

Other Matters

12. In determining the appeal, I have had regard to my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The building dates from the seventeenth century and comprises of coursed stone rubble with ashlar stone dressings under a plain-tile roof. The nineteenth century addition is also faced in stone and features attractive brick dressings. The significance of the listed building is derived in part from its pleasing architecture and semi-rural setting. No harm to the listed building or its setting is alleged by the Council, and given the siting, scale, and design of the proposal, I have no reason to reach a different conclusion. Accordingly, I am satisfied that the development would preserve the building and its setting including features of special architectural or historic interest.
13. The appeal site lies within an area of archaeological potential. However, the Council's report sets out that there would be no archaeological constraints in relation to the appeal scheme given its small scale. Based upon the available evidence, I have no reason to disagree with the Council's conclusions on this matter.

Conditions

14. I have had regard to the planning conditions suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
15. In addition to the standard time limit condition, and in the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. Whilst the supporting documents indicate the use of horizontal timber and plain roof tiles, these are not specified

on the submitted plans. Therefore, in the interest of the character and appearance of the appeal property and the surrounding area, I have imposed a condition requiring samples of the external materials to be agreed.

Conclusion

16. For the reasons given above, having regard to the development plan taken as a whole, and all other material considerations including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR