



Appeal Decision

Site visit made on 22 November 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023.

Appeal Ref: APP/V3120/W/23/3322521

White Horse Stables, road running through Goosey, Goosey, Faringdon, Oxfordshire SN7 8PA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Dan Long against the decision of Vale of White Horse District Council.
 - The application Ref P23/V0464/S73, dated 21 February 2023, was refused by notice dated 28 April 2023.
 - The application sought planning permission for the proposed conversion of stables into a dwelling. Proposed changes to access for existing dwelling without complying with a condition attached to planning permission Ref P21/V2109/FUL, dated 17 September 2021.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 1401 01 Rev A, 1401 03 Rev A, 1401 and 1401 S 01 Rev C, except as controlled or modified by conditions of this permission.
 - The reason given for the condition is: To secure the proper planning of the area in accordance with Development Plan Policies.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the condition subject of this appeal was attached to planning permission Ref P21/V2109/FUL, dated 17 September 2021, this was in relation to relatively minor amendments involving a small front porch extension and external fenestration changes to a scheme that was granted planning permission on appeal¹ (the previous appeal scheme). Both parties have made reference to the previous appeal decision in their submissions, and I have taken account of it in the determination of this appeal.

Background and Main Issue

3. The appellant seeks to amend the design of the proposed conversion of stables into a dwelling by increasing the height of the roof.
4. The main issue is the effect of the revised design upon the character and appearance of the original building and the area.

¹ APP/V3120/W/19/3233419

Reasons

5. The previous Inspector set out that the appeal site comprises a relatively modern single storey stable block located on the edge of Goosey, where the stables are arranged in a U shape, constructed of predominantly rendered blockwork and partially facing brick with a central courtyard and a shallow roof. He noted that a paddock is located behind the stables, the stables are positioned behind a two-storey dwelling and sited between the stables and the dwelling is a tall timber barn with the property next door set deeper into its plot with windows overlooking part of the site. He identified that the settlement comprises loose knit development with little uniformity.
6. Following my site visit I agree with this assessment. I would however add that the existing stable block, being single storey with a shallow roof is modest and low key and appears subservient next to the existing dwelling and the tall timber barn. Along with the adjacent paddock, the stable block marks the transition from the domestic scale of the existing dwelling and tall barn located closer to the road that runs through Goosey and the more spacious open rural landscape located to the north-west of the appeal site. This ensures that the existing stable block appears compatible with the character and distinctiveness of this countryside setting.
7. Development Policy 7 of the Vale of White Horse District Council Local Plan 2031 Part 2 adopted October 2019 (Part 2 of VWHLP), relates to the re-use, conversion, and extension of buildings for dwellings in the open countryside. The policy sets out a number of criteria for assessing the suitability of buildings for residential purposes. Relevant criteria include part ii, that it respects the character, appearance and setting of the original building and part iii, that it respects the rural landscape, character, and locality.
8. In granting planning permission, among other things, the previous Inspector concluded that the replacement roof would be in keeping with the scale of the building and while noting that the proposed roof would be higher than existing it would be viewed against the background of the existing barn and dwelling, both of which would still be taller than the proposed development.
9. Consequently, he found that the proposed development would respect the rural character and appearance of the original building and the surrounding area and would meet criteria ii and iii of Development Policy 7 of the VWHLP. I agree, as to my mind the previous appeal scheme and for that matter the more recently approved scheme retain a single storey building with a shallow roof and ensure that each approved scheme would be modest and low key and would appear subservient next to the existing dwelling and the tall timber barn.
10. The same cannot be said for the proposal before me. The proposed development would further increase the height of the roof which would significantly change the appearance of the proposal in comparison to the existing stable block and both previously approved schemes. As a result, the proposed roof form would become an unacceptably dominant feature which would harmfully overwhelm the original building and would undermine its modest and low-key appearance.
11. Further, the height of the proposal would be higher than the adjacent tall barn and although it would still be lower than the existing dwelling, the proposed increase in height of the roof would result in the proposal no longer appearing

- subservient to the domestic scale of the existing tall barn. Consequently, it would introduce a discordant feature that would be incompatible with the character and distinctiveness of this countryside setting.
12. To a certain extent, the proposal would be screened by the existing dwelling and vegetation. However, views would still be possible from the road that runs through Goosey, through the proposed access and from the windows of the neighbouring property that overlooks the appeal site. In any event, the lack of significant public views of the proposal does not justify harmful development at the appeal site.
 13. Consequently, the proposal to increase the height of the building would be at odds with criteria ii and iii of Development Policy 7 of Part 2 of the VWHLP as it would not respect the character and appearance of the original building or the rural landscape, character, and locality. Moreover, the proposal would also conflict with Core Policy 37 of the Vale of White Horse District Council Local Plan 2031 Part 1 adopted December 2016 (Part 1 of the VWHLP), which among other things seeks to ensure development is of a high-quality design that in terms of scale, height and massing is appropriate for the site and surrounding area.
 14. Further, the proposal would be at odds with the National Planning Policy Framework which seeks to ensure development is sympathetic to local character and that the quality of approved development is not materially diminished as a result of changes being made to a permitted scheme.
 15. I therefore conclude that the proposal to amend the design of the proposed conversion of stables into a dwelling and therefore not to comply with existing condition 2 would have an unacceptable impact upon the character and appearance of the original building and the area. As previously explained, the proposal subject of this appeal would conflict with Development Policy 7 of Part 2 of the VWHLP, Core Policy 37 of Part 1 of the VWHLP, and the associated policies of the Framework.
 16. It follows from the above that the existing condition is necessary to ensure the proposal does not have an adverse impact on the character and appearance of the original building or the area. As such it is necessary to make the development acceptable, relevant to planning and the development permitted, enforceable and precise in relating to the approved plans submitted with the application that are identifiable, and reasonable in all other respects.

Other Matters

17. I note that the proposal would provide more storage for the converted stable block, would be constructed of suitable materials, would provide better insulation, would be built to last, would function well, would be flexible to the changing requirements of future occupants and other circumstances, would increase the speed of rainwater discharged from the roof, would incorporate vaulted ceilings in the kitchen and dining areas and many rooms would have doors which open directly into the yard retaining the accessible feel of the existing stable yard. However, these matters do not outweigh the harm the proposal would have on the character and appearance of the original building or the area.

18. I also accept that the proposal would not unacceptably harm the living conditions of neighbouring residents. However, the lack of harm is afforded neutral weight in the determination of the appeal and does not justify harmful development at the appeal site.

Conclusion

19. For the reasons given above I conclude that the proposal to amend the design of the proposed conversion of stables into a dwelling by increasing the height of the roof is contrary to the development plan and there are no material considerations which indicate that a decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR