



Appeal Decision

Site visit made on 26 February 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th February 2024

Appeal Ref: APP/D3125/W/23/3328176

Singe Wood Stables, Lane To Singe Wood, WHITE OAK GREEN, HAILEY, OXFORDSHIRE, OX29 9XP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by MR JEREMY SMITH against the decision of West Oxfordshire District Council.
 - The application Ref is 22/03327/FUL, dated 29 November 2022, was refused by notice dated 28 February 2023.
 - The development proposed is the conversion of stables into two bedroom living accommodation for letting purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I was not able to gain access to the site at the time of the pre-arranged site visit but I was able to see enough of the site and the building proposed for conversion from the access gate to be able to decide the appeal case.
3. Local residents who object to the proposal refer to a covenant on the land which restricts its use, in summary, to the exercise and grazing of horses. However this is a private legal matter beyond the scope of this planning appeal.

Main Issues

4. The main issues are;
 - Whether the proposal accords with the strategy in the development plan; and
 - The effect on the character and appearance of the area.

Reasons

Policy context

5. The appellant submits that the Council cannot demonstrate a five-year supply of new housing land in accordance with paragraph 69 (previously 68) of the National Planning Policy Framework (the Framework) and that paragraph 11(d) on decision making is engaged in this case. While the Council accepts that it could not demonstrate an adequate supply at the time of the decision on the application (4.1 year supply), the Council now advises that the most recent

formal assessment produced in October 2023 indicates that the Council had a 5.4 year supply. This position is not challenged by the appellant. Accordingly, I am satisfied that at the moment the Council has demonstrated a five year supply of land and that paragraph 11(d) does not apply in this case.

Background

6. The appeal site lies in an area of countryside to the north of Witney and which has access off a loose surfaced lane with vehicular access from the B4022. There are a few detached houses with frontages to the lane. The stable building proposed for conversion is constructed in timber and is set back from the lane and the site is partly enclosed by woodland.

Accord with development strategy

7. The site lies in the countryside away from any settlement and the relevant policy in the Council's Local Plan 2031 is OS2 which limits development in the countryside to that which requires and is appropriate to a rural location. The policy adds that proposals for residential development will be considered under policy H2.
8. Although the proposal is put forward for sleeping accommodation for short term self-catering holiday letting, this is a primary C3 residential use. The appellant's agent refers to a suggestion by the Government to have a separate use for holiday lets in the future, but the scheme must be considered under present legislation.
9. Policy H2 limits new dwellings in the open countryside to a small number of specific circumstances and the appellant appears to agree that there is no essential operational need for a dwellinghouse in this location. Neither is the stable building a heritage asset.
10. In terms of the quality of the existing building, from my observations on site together with the appellant's submitted plans and photographs, I agree that it has a ramshackle appearance and a mundane, low key, functional form as a simple equestrian building. Its low height, materials and set back from the lane mean that it does not intrude visually beyond its immediate surroundings. The design of the sleeping accommodation put forward continues this basic form but in residential use. However, I do not see this design for a low timber building as being of 'exceptional quality or innovative design' as per the third bullet point of Policy H2. The proposals to use an air source heat pump and solar panels on the roof as well as a bat box and 'sparrow terrace' are relatively common features in new development and do not add much to the utilitarian design or make a highly innovative and sustainable dwelling.
11. Moreover, I have concerns that the proposal would be a new build rather than a conversion. The plans appear to show complete new exterior wooden walls and stone gables, and a new roof at a slightly higher pitch, and I have doubts over whether any of the original timber structure would remain with the 'conversion'. On this basis the proposal is not a re-use of an appropriate existing building.
12. Finally in terms of the other criteria set out in the policy where relevant to the proposal, the accommodation would not be a replacement dwelling on a 'one for one basis'.

13. Local Plan Policy E3 supports the re-use of traditional buildings for non-residential uses, including tourism, and which supports the rural economy. However in this case, the host building is not of a traditional form neither does it contribute positively to the character of the area, or is capable of conversion. The proposal therefore does not accord with this policy.
14. Overall I find that the proposal does not meet the provisions of Policy H2 of the Local Plan and Policy OS2 on the location of development. As such the proposal also conflicts with the linked Policy H1 of the Hailey Neighbourhood Plan

Effect on the character and appearance of the area

15. Given my assessment of the proposal under the first main issue, I also find that the proposed single storey unit for residential purposes would have a harmful effect on the appearance of the area. The low timber structure would not have a scale or design that would fit in with other residential properties along the lane nor would it have an innovative design as a residential property that would complement its woodland setting. I conclude that the proposal would not contribute to local distinctiveness or enhance the character or quality of its surroundings as set out in Policy OS4.

Other Matters

16. The appellant highlights the benefits arising from additional tourist accommodation and refers to the guidance in section 6 the Framework in support of a prosperous rural economy.
17. I note the appellant's reference to other tourist and amenities in the area, including these which may be accessible by foot, but it appears to me that generally the site is not well related to these being located towards the end of a loose surfaced track. Further, although the Council has not put forward an objection to the proposal on highway grounds, I considered the junction of the lane with B4022 because of the concerns raised by local people. I experienced driving out of the Lane at the 'Y' shaped present junction and found that the visibility available to see traffic coming from the north was poor. This adds to my concerns about the accessibility of the site.

Planning balance

18. The proposal needs to be considered in the context that at the present time the Council has demonstrated that it has a five-year supply of new housing land to meet the provisions of section 5 of the Framework.
19. On the main issues I have found that the proposal does not accord with the strategy for new development set out in the local plan as the proposal for a residential unit in this area of countryside away from settlement does not meet Policy H2. The proposal would either reuse, or replicate, a building of a poor architectural form which would harm the appearance of the area and not complement local distinctiveness.
20. Taken together I find that the proposal would conflict with the development plan when the local plan and neighbourhood plan are taken as a whole.
21. This finding has to be balanced with other considerations. I acknowledge the other evidence put forward by the appellant on the continuing need for

tourism related accommodation in the wider area. However, this need does not have to be satisfied on a site with a ramshackle existing building and in a remote location with accessibility issues.

22. Guidance in the Framework on both housing and tourism relates to the re-use of a building, which is unlikely to take place with this proposal because of the wholesale structural changes envisaged. With new build development the Framework says this should be of exceptional quality which is sensitive to surroundings. The appeal scheme would not accord with this. Given my concerns about design and accessibility I conclude that the proposal does not accord with the Framework when this is read as a whole.
23. Overall, I find that the other considerations put forward do not outweigh the conflict with the development plan and this indicates that the appeal should not be allowed.

Conclusion

24. For the reasons give above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

