



Appeal Decision

Site visit made on 2 May 2024

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/Q3115/D/23/3331972

**The Granary, 1 Dove House Lane, Cuddesdon, Oxford, Oxfordshire
OX44 9EG**

- 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 Philip Spinks against the decision of South Oxfordshire District Council.
 - The application Ref P23/S1892/HH, dated 1 June 2023, was refused by notice dated 4 October 2023.
 - The development proposed is the provision of a double garage and garden store.
-

Decision

1. The appeal is allowed and planning permission is granted for the provision of a double garage and garden store at The Granary, 1 Dove House Lane, Cuddesdon, Oxford, Oxfordshire OX44 9EG, in accordance with the terms of the application, P23/S1892/HH, dated 1 June 2023, and the plans submitted with it, subject to the following 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: LOC-001; SIP-001; PE-001; PE-002: CMP-001A; and SIP-002.
 - 3) No works above ground level shall be carried out until details of all external facing materials for the double garage and garden store have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023 and that resulted in some renumbering of paragraphs. I have used the current paragraph numbering in this report.
3. The appeal site is within the Green Belt. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless one of the specified exceptions applies. The appellant's grounds of appeal contend that the development falls within an

exception that is implied to not be applicable within the submitted Design and Access Statement¹, and was not assessed in the Council's officer report. In the interests of fairness, I invited comments from the Council on this matter, although it did not offer any further response in the time specified.

Main Issue

4. The main issue is whether the proposed double garage and garden store would be inappropriate development within the Green Belt.

Reasons

5. The appeal property is a single storey dwelling, created by a previously permitted barn conversion², within a cluster of buildings surrounding Dovehouse Farm, in the rural village of Cuddesdon. The property enjoys a relatively large rectangular shaped plot, with most of the garden area being on its south side. Like the appeal site, the village also lies within the Green Belt.
6. The appeal proposal comprises a double garage, notated on the drawings³ as being 43 square metres in floor area, with an attached garden store adding a further 11.5 square metres. The building would have timber clad walls and a pitched clay tiled roof, rising to a height of 3.8 metres. The garage/store would be sited in the eastern corner of the plot.
7. The Framework's exceptions to inappropriate development in the Green Belt include, under paragraph 154(e), 'limited infilling in villages' and, under paragraph 154(c), the extension of a building, provided that it does not result in disproportionate additions over and above the size of the original building. The South Oxfordshire Local Plan 2035 (adopted December 2020) (SOLP) is broadly consistent with the Framework's approach, with policy STRAT6 reinforcing the Green Belt's key functions and protection from harmful development, and policy H20 including similar wording with specific regard to extensions to dwellings (rather than 'buildings') and to ancillary buildings within a dwelling's curtilage. I consider each exception in turn.

Paragraph 154(e) – limited infilling in villages

8. The site comprises domestic curtilage and is within the confines of the built-up limits of Cuddesdon, and I am satisfied that it is 'in' the village for the purposes of the exception. I am also satisfied that, being of a domestic outbuilding scale and proportions, it can be regarded as 'limited'.
9. 'Infilling' is not defined in the Framework, but it is defined in the SOLP glossary as: *'The filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.'* The appeal building would not fill a small gap in a built-up frontage, and, whilst it would be close to the dwelling it is intended to serve, it would not be closely surrounded by buildings. Therefore, the appeal proposal would not fall within these parameters, and, whilst it is not necessarily determinative, I see no reason to depart from the development plan's definition in this particular case.
10. The appeal proposal does not therefore fall within the Framework's 154(e) exception.

¹ Design and Access Statement – paragraph 6.3.1

² South Oxfordshire Council planning application reference P17/S4413/FUL

³ Drawing number CMP-001 A

Paragraph 154(c) – extension

11. Caselaw⁴ has established that the extension exception provision is capable of being applicable to structures which are physically detached from the main building. In this case, in view of its intended use for domestic purposes and its siting in close proximity to the main dwelling, I assess that the proposed building can be treated as a domestic adjunct, and that paragraph 154(c) is applicable. That leads to the consideration of whether it would meet the test of not resulting in disproportionate additions over and above the size of the original building.
12. The appellant advises⁵ that the 'original building' in this case had a floor area of 264 square metres and that the single storey appeal proposal would have a floorspace of 54.5 square metres. I have noted that an earlier permission⁶, which allowed for the erection of a timber framed pergola on the south side of the dwelling, has been implemented. The appellant states that the pergola has a 'floorspace' of 74 square metres, but its open nature means that it does not enlarge the size of the dwelling in the same way as an extension with walls and a roof. Even if I were to treat the pergola as floorspace, the combined additions (pergola and garage/store) would remain less than 50% of the size of the original building floorspace.
13. The development plan does not provide any specific size criteria in this regard, but having considered the site specifics, I am satisfied that the appeal proposal, even when combined with the permitted pergola addition, would not result in disproportionate additions over and above the size of the original building.
14. I therefore find that the proposal would fall within the Framework's paragraph 154(c) exception and would not constitute inappropriate development in the Green Belt. As a consequence, it would not be harmful to openness, or to any of the purposes of the Green Belt. Therefore, I find no conflict with the development plan policies H20 and STRAT6, or with the Framework.

Other Matters

15. I have noted that the Tithe Barn, some distance to the south-west of the appeal site, is a Grade II Listed Building and that the appeal dwelling itself is a curtilage Listed Building. The barn and its surrounding curtilage buildings and structures derive their significance and special interest from their historic agricultural origins, the barn itself believed to date back to the C16 and having been reconstructed in the early C19.
16. Given the proposed siting of the garage/store and intervening garden boundary treatments, I share the Council's assessment that the proposal would not result in any harm to the setting of the heritage assets or harm their special interest and significance. I therefore find no conflict with development plan policy ENV7. I am also satisfied that the design of the building, which includes a pitched roof with clay tiles to match the house, timber clad walls and hardwood doors, would be of a high standard and would be reflective of the character and appearance of the area.

⁴ Warwick District Council v SSHCLG [2022] EWHC 2145 (Admin)

⁵ Appellant's Appeal Statement – paragraph 3.1.5

⁶ South Oxfordshire Council planning application reference P23/S0094/HH

17. I have further noted that permitted development rights were removed on the original barn conversion permission. The reason for removing those rights was in order that the Council could retain control over future development in the interests of amenity. However, this does not preclude a planning application for a scheme being made and, for the reasons set out above, I conclude that the development is acceptable, and no harm to amenity would be caused.

Conditions

18. Having regard to the Framework, and in particular paragraph 56, I have considered the need for planning conditions. In addition to the standard time limit condition, I have specified the approved plans, as this provides certainty. I have also included a condition requiring the approval of facing materials, as the drawings do not include full details of these, and this is necessary to ensure a high standard of finish and appearance.

Conclusion

19. The proposed double garage and garden store would not be inappropriate development within the Green Belt and would be in accordance with the development plan and the Framework, and there are no other material considerations to the contrary. Therefore, for the reasons given above, the appeal should succeed, and planning permission is granted, subject to the conditions set out in paragraph 1 of this decision.

P. Staddon

INSPECTOR