

Appeal Decision

Site visit made on 19 June 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/C3105/W/24/3337890

Willow Cottage, Gravel Pits Lane, Yarnton, Oxfordshire OX5 1PX

- 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 John Nemeth against the decision of Cherwell District Council.
 - The application Ref is 22/03297/F.
The development proposed is the erection of an outbuilding and change of use of land to domestic residential.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an outbuilding and change of use of land to domestic residential at Willow Cottage, Gravel Pits Lane, Yarnton, Oxfordshire OX5 1PX in accordance with the terms of the application Ref 22/03297/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. The outbuilding has been constructed and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a strip of land adjacent to a private access road. It is currently part developed, accommodating a single-storey outbuilding. The site is associated with nearby Willow Cottage, on Gravel Pits Lane, but is physically separate from it. The site is surrounded by predominantly residential properties, varying in style and period. From that perspective there is limited consistency of character within the street or surrounding area.
5. The outbuilding is not highly visible from the surrounding area, although it can be glimpsed from the private access, from part of Gravel Pits Lane and from some private vantage points.
6. The outbuilding is steel-clad with an associated hardstanding to the front. While those materials are not common in the surrounding area, similarly sized outbuildings, in the form of garages exist nearby. Although these are of a different appearance, they are, in part, finished in metal and appear subservient to more principal residential properties. Moreover, a series of informal and formal car parking areas exist along the private track, which

appear to be associated with properties fronting Gravel Pits Lane. From this perspective, the private road is not unadulterated and does contain features of a domestic nature. The development does not have a harmful impact on the character and appearance of the surrounding area.

7. Overall, I conclude that the development has an acceptable effect on the character and appearance of the surrounding area. It accords with the relevant provisions of Policy ESD15 of the Cherwell Local Plan 2011-2031 (2015) and Policy C28 of the Cherwell Local Plan (1996). These policies, in summary, seek to ensure high quality design in development. This is in a similar vein to the provisions of the National Planning Policy Framework insofar as good design is concerned. Policy C33 has been quoted in the Council's decision notice. However, this is not before me.

Other Matters

8. I note the comments raised in respect of highway safety. However, this is not a matter in dispute between the Council and appellant. I have no reason to disagree with those findings. Ultimately, matters of highway safety have not led me to an alternative conclusion on the main issue. Similarly, matters relating to private ownership do not lead me to an alternative conclusion on the main issue.
9. In respect of comments relating to air quality, noise and disturbance, the development comprises an outbuilding of limited size. There is no substantive evidence before me to demonstrate that air quality and noise levels are, or would be, compromised due to the small scale and nature of the proposal.

Conditions

10. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal was to be allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, amending the wording of some, and combining provisions of others, without altering their fundamental aims.
11. I have imposed a condition requiring adherence to the relevant plans for certainty.
12. A second condition restricting the use of the garage for purposes incidental to the enjoyment of the dwellinghouse (Willow Cottage) has been included, as suggested by the Council, to ensure that the residential character of the area and the living conditions of neighbouring properties are protected. The appellant has agreed to the wording of this condition.

Conclusion

13. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1333/01 Site Plan, 1333/02 North East and North West Elevations, 1333/03 Location Plan, 1333/03 South West and South East Elevations.
2. The building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling known as Willow Cottage and shall not be used for any trade, industry, business or other use whatsoever.