



Appeal Decision

Site visit made on 15 October 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/J3720/W/24/3343301

**Winchcombe Farm, Shenington Road, Upper Tysoe, Warwickshire
CV35 0TH**

- 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 Steve Taylor against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/03179/FUL.
 - The development proposed is the change of use of two buildings from residential holiday let usage to residential usage ancillary to the main building. No changes to internal or external layout or appearance.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of two buildings from residential holiday let usage to residential usage ancillary to the main building. No changes to internal or external layout or appearance, at Winchcombe Farm, Shenington Road, Upper Tysoe, Warwickshire CV35 0TH in accordance with the terms of the application, Ref 23/03179/FUL, 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 drawing nos: 2023-01, 2023-02 and 2023-03
 - 3) The buildings identified as George's Getaway and Ben's Burrow shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Winchcombe Farm.

Main Issue

2. The main issue is whether George's Getaway and Ben's Burrow are appropriate for conversion to ancillary accommodation associated with the dwelling at Winchcombe Farm with particular regard as to whether they would be tantamount to the provision of new dwellings.

Reasons

3. The appeal site is a large plot set within the open countryside, surrounded by fields and beyond these is the settlement of Upper Tysoe. The site itself contains a dwelling, Winchcombe Farm, a flat, and holiday accommodation across 6 units served by an office. As noted above, the proposal intends to convert two of the units, George's Getaway and Ben's Burrow to

accommodation ancillary to the host dwelling. These two units are the closest to the host dwelling and flat.

4. With the exception of Policy CS.20 of the Stratford-on-Avon District Core Strategy (the CS), the policies before me are silent on ancillary accommodation and annexes. Policy CS.20, with specific reference to annexes, requires that any alterations or modifications to existing buildings be of an appropriate scale and subservient to the existing building.
5. From the submissions before me and my observations on site it was clear that the holiday accommodation and the land associated with it is considerably larger than the main dwelling and its associated residential use. Indeed, the two appeal units alone are of a comparable scale to the dwelling. However, the proposal involves no physical alterations or modifications to any of the existing buildings. Therefore, any issues of scale or subservience are already present.
6. I find that George's Getaway and Ben's Burrow both appear as domestic buildings with associated domestic curtilages set aside for them. Although they were empty at the time of my site visit, it is clear that they would typically be used in a way that would also most closely be characterised as domestic. I am mindful that these units provide only temporary accommodation but there is no reason they could not be continuously occupied by different groups of visitors.
7. The appellant sets out within the submissions that the proposed ancillary accommodation would be used to add flexibility to the site and allow for family members to use and occupy the units in support of the retained holiday use. Such a use would be akin to a residential or 'granny' annex. As there are no physical changes proposed, the units would continue to appear domestic in both character and appearance.
8. Although the proposed use may be carried out by one individual or group on a more long-term basis, this would not significantly change the domestic character and appearance of the units. Given the above, and as the two units are already not necessarily subservient to the host dwelling, the change of use would not unacceptably harm the relationship between the buildings.
9. The Council in their submissions have submitted that the proposal would result in the units being converted to what is tantamount to new dwellings within the countryside. I am mindful given the size of the 2 units, the facilities they provide and their relationship to the host dwelling that it may be possible for them to be severed from the host dwelling.
10. However, the proposal before me is not for a new dwelling or dwellings, it is for the conversion of two holiday accommodation units into ancillary accommodation associated with the main dwelling. Irrespective of what the appellant or any subsequent owner's may or may not intend to do with the buildings, I must consider the proposal as it is put before me.
11. Should the appellant, or any subsequent owners, seek to use George's Getaway or Ben's Burrow as a dwelling or two separate dwellings they would need to seek planning permission. This is the case both currently and should the appeal be allowed. The Council would therefore retain control over the use of the buildings as separate residential dwellings.

12. The proposed conversion of the two holiday accommodation units, George's Getaway and Ben's Burrow would not be inappropriate and would not be tantamount to the provision of new residential dwellings. The proposal would therefore comply with CS Policy CS.20 as outlined above.

Conditions

13. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
14. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
15. The appeal has been assessed against the proposal being for the use of George's Getaway and Ben's Burrow as ancillary accommodation. In order to ensure they are not used for any other purposes, including a separate dwelling, a condition restricting the use is also necessary.
16. The climate change checklist submitted by the appellant relates to new builds, the proposal only covers the conversion of existing buildings. Moreover, the only improvement submitted in the checklist is for the provision of an electric vehicle charging point. Given the existing and proposed uses I do not find that there would be an increase in vehicular movements associated with the site. A condition requiring the provision of the charging point would therefore be overly onerous and unnecessary.

Conclusion

17. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR