



Appeal Decision

Site visit made on 28 February 2025

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/V3120/W/24/3355383

Poughley Farm, Halls Lane, East Hanney, Wantage OX12 0HJ

- 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 Paul Curtis against the decision of Vale of White Horse District Council.
 - The application reference is P24/V1845/FUL.
 - The development proposed is described on the Application Form as 'Conversion of barn into a self build C3 dwelling.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the appeal documents reference the National Planning Policy Framework 2023 (the Framework). Since the submission of the appeal, the 2023 version of the Framework has been superseded by the 2024 version which was published on the 12 December 2024. The wording of the relevant paragraphs of the new Framework remain unchanged from the 2023 version (except for new paragraph numbers) and therefore did not require to be reassessed by either party in relation to this appeal. Additionally, this 2024 version of the Framework was amended on 7 February 2025 to correct cross references to paragraph 155 and for the avoidance of doubt is not intended to constitute a change of policy. As such I have considered the appeal on this basis and refer only to the updated 2025 Framework within my decision.

Main issues

3. The main issues are:
 - Whether the proposal would provide a suitable site for development, having regard to its location in conjunction with the Housing Strategy of the area; and
 - The effect of the proposed development upon the character and appearance of the existing site and the greater locality with special regard to the East Hanney Conservation Area (CA). Additionally the effect of including the setting or any features of special architectural or historic interest which the surrounding listed buildings (Philberd's Manor, Grade II) possess.
-

Reasons

Site Description

4. The appeal site is part of the greater Poughley Farm, which at the entrance to the site along Halls Lane is a relatively narrow carriageway extending from the west of the settlement of East Hanney which is tarmac until the road crosses the Letcombe Brook and then becomes an unmade track to the appeal site. The appeal site contains a three sided metal framed building that is clad in corrugated metal sheeting and takes on a modern agricultural/ industrial appearance and is used for the storage of hay and vehicles. The appeal building is experience together within the same context as buildings as part of Poughley Farm which appear to be arranged in a steading formation with internal courtyard. The buildings have an agricultural form and appearance which emphasises the spaces in and around buildings which is quite open to the relationship with the fields surrounding. Situated around the buildings of Poughley Farm are fields, where once travelling east across Letcombe Brook adjoins Philberd's Manor and grounds. Typically large country houses are found to the outskirts of a village such as this with its formal gardens extending further into agricultural fields beyond.
5. The main built form of the village of East Hanney is located further east and is situated along roads such as The Green, Crown Meadow, Main Street, Steventon Road and the A338. I disagree with the Appellant's Statement of Case (SoC) that the appeal site is 'sub-urban' in character as the appeal site does not feel like it is part of an urban conurbation, or within a transitional area between the settlement and the countryside. The unmade and narrow road, lack of kerbs, street lighting, and connection to the agricultural surroundings and buildings of Poughley Farm which include the type of building on the appeal site often found in rural areas contribute to the experience of the site as one that is part of the rural countryside.

Housing Strategy

6. The Housing Strategy is guided by the Vale of White Horse Local Plan Part 1 (LPP1) Core Policy 4 which seeks that all development should support a pattern of balanced growth across the district. The policy seeks that development be focussed towards the main market towns, local service centres and larger villages, and any allocated sites as part of the Local Plan or Neighbourhood Plan (NP). Where sites are outside of a settlement boundary these sites are considered to be within open countryside where development is not appropriate, unless specifically supported by other policies of the Local Plan. Additionally, the appeal site is part of the East Hanney NP where Policy EHNP2 seeks that development in terms of their nature, scale and location ensures that they are complementary to their immediate surroundings. Additionally the Vale of White Horse Local Plan Part 2 (LPP2) Policy 7 relates to the re-use, conversion and extensions of buildings for dwellings in the open countryside where it meets 4 tests: 1) is of permanent and substantial construction; 2) respects the character, appearance and setting of the original building; 3) respects the rural landscape, character and locality, and 4) retains features of architectural and historic merit, where appropriate.

7. Paragraph 83 of the Framework and relevant Case Law¹ shows that development in countryside locations can enhance or maintain the vitality of rural communities where they are suitably located, which may not only be associated with the closest settlement, but other settlements surrounding. The nearest settlement with services for day-to-day needs would be East Hanney, where the Main Street of this settlement containing services such as a Public House is approximately half a kilometre away, or approximately 15 minutes walking distance. East Hanney is a small settlement which additionally has a post office, primary school and an hourly bus service to Oxford. Despite this, the Council's planning policy does not place an emphasis or role on East Hanney in delivering housing within the area. However given that the area has a NP, LPP1 Policy 4 seeks a NP can provide the direction of growth in terms of housing. The NP does not provide support for housing at the appeal site.
8. Having visited the site, I disagree with comments in the Appellant's SoC that the site is within the settlement, as it is made quite clear in the NP and Development Plan that the site is outside of the settlement boundary. Additionally, where sites are located outside of settlement boundaries, there are considerations under LPP2 Policy DP7 which look at the conversion of existing buildings for the purposes of conversion. Both parties disagree as to whether the building requires 'extensive reconstruction.' The accompanying text to LPP2 Policy DP7 seeks that any conversions to residential would be appropriate if they do not need substantial alteration or rebuilding.
9. A structural report² has been submitted which contains a number of elements to convert the building into a residential dwelling such as new walls, roof, doors, windows, new ground bearing slab and a new strip foundation with rising block work that would need to be placed around the perimeter of the building with steel reinforcement.
10. The Appellant draws my attention to the National Planning Policy Guidance³ whereby referenced wording relates to the works that are 'reasonably necessary to convert a building into a dwelling' which relates to the considerations under Class Q of the General Permitted Development Order (GPDO). This guidance along with associated case law relevant to Class Q determinations appears to have been applied by the Appellant to LPP2 Policy DP7 which only requires an assessment of whether the building is of permanent and substantial construction and is capable of conversion without extensive reconstruction. Whilst I can appreciate that there are similarities in terminology, the assessment under Class Q of the GPDO is not the same assessment as required under LPP2 Policy DP7. The GPDO is giving criteria to determine whether development is considered permitted development, such as the provisions seeking to specify works such as walls, floors, windows and doors which are exempt from the definition of development in particular circumstances. The GDPO should not be used to demonstrate the appropriateness of an assessment of a Development Plan policy as they serve different purposes. As such the provisions of Class Q have limited weight into demonstrating the appropriateness of the development against LPP2 Policy DP7.

¹ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610

² By Andrew Duignan Consulting Engineers, Ref 24/5106 Dated July 2024

³ National Planning Policy Guidance, Paragraph: 105 Reference ID: 13-105-20180615, Revision date: 15 06 2018

11. Having read the structural report, the conversion of the building would require new foundations with steel reinforcement, walls, ground bearing slab, with the only remaining original part of the building being the metal frame. The amount of alterations and rebuilding needed to convert the building into a dwelling, particularly the need for strip foundations and reinforcement would be substantial and amount to extensive reconstruction whereby LPP2 Policy LP7 seeks that the development would be considered as new development within the countryside.
12. Assessing the sustainability of the site for a new dwelling in the countryside, it is clear that future residents would be dependant on the private car to access the appeal site. There are no footpaths, the access road from the appeal site is an unmade track, there is no nearby accessible bus stop within safe walking distance, and due to the curvature of the road near the appeal site means that pedestrians and cyclists would have great difficulty navigating access to and from the site if there is oncoming traffic. The locality lacks any street lighting so the appeal site would not be very navigable by persons with mobility impairments, pushchairs, or wheelchairs, amongst others. The lack of street lighting, levels of light during poor weather conditions and the need to navigate this unmade road would also be further reasons why the site would not be a suitable location which would offer genuine alternative access to the private vehicle.
13. Whilst I appreciate that a bus stop is located at the Black Horse Public House, which is 0.7 miles away, the services are relatively infrequent with the accessibility to the bus stop difficult along the access road with no footpaths or street lighting. Whilst I appreciate that the proposed occupiers might work from home and not be as dependant upon local services, the assessment is made on the whole life of the dwelling and needs to consider future occupants who may have different needs and demands than the current proposed occupiers. That said, to allow new housing use on an ad-hoc basis nearby settlements with limited services and facilities would undermine the Council's housing strategy for the location of housing to achieve sustainable patterns of development.
14. The remaining component of LPP2 Policy LP7 seeks that considerations are given to the character and appearance of the original building and the character and appearance of the surrounding area, the forth criteria of the policy is not relevant to this assessment. Whilst character is further discussed below, the existing building is of a modern agricultural/ industrial shed which although typically found in the rural areas, does detract from the more traditional brick barns and buildings in the locality. The appeal site itself would mean that all four sides of the building would be enclosed along with UPVC windows and doors. The site would be separated from the greater Poughley Farm, creating a formal garden to the rear, and parking spaces located to the front.
15. Currently the building is appreciated as a storage shed and the conversion to a dwelling would upgrade it's status and identity within the surrounding environment making it a more prominent building along Halls Lane. The use of poor quality materials such as uPVC windows and doors together with the poor design that has an awkward and contrived appearance when experienced against the historic farm and mill buildings surrounding. This together with the additional residential paraphernalia with the new use and the subdivision of land from the Poughley Farm would not reinforce the positive qualities of local distinctiveness of the site or within the greater area.

Self Build Housing considerations

16. The Appellant's Application Form and planning statement describes the proposal as a self-build dwelling which is defined by the Self Build and Custom Housing Act 2016 (SBCH). Councils are required to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area and publish it. Those authorities who hold a SBCH register have a duty to grant planning permission to enough suitable serviced plots to meet the demand for SBCH in their area.
17. The Framework identifies "people wishing to commission or build their own homes" as a distinct section of the community for which the size, type and tenure of housing needed should be assessed and reflected in planning policies. To address the need for SBCH, LPP2 Policy LP1 is a policy specific to self build applications and seeks to support the provision of plots for self-build predominantly on larger sites, subject to conditions around marketing the self-build project and the opportunity for affordable housing which also needs to be compliant with LPP1 Core Policy 24, together with meeting the development plan policies as a whole.
18. LPP1 Policy 4 distributes housing growth to a range of settlements and sustainable locations and this covers all types of housing including self build. Similarly, the Framework indicates significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes, and states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Therefore, policies relevant to the appeal are broadly consistent with the Framework.
19. LPP1 Policy 4 applies in this location and there is a strategic approach for distribution and the Housing Strategy also seeks that local communities subject to a NP to indicate where development should be located. Additionally, all other types of development not covered by a specific policy to be fully justified against the different scenarios that are discussed which seek to generate significant benefits to the local area and not be contrary to the overall development strategy for the district.
20. Additionally, having read the appeal documents, there is no evidence such as a formal agreement or undertaking that secures the proposed building as a self-build dwelling. As there is no mechanism, the proposed dwelling is open-market housing contrary to the aims of the development plan and Framework already described above. Even if I were to give weight to the self-build nature, the adverse impacts of undermining the Council's housing strategy, would significantly and demonstrably outweigh the benefits I have outlined above when assessed against the policies in the Framework and development plan taken as a whole.
21. Consequently and in conclusion of this matter, the proposal would be contrary to LPP1 Policy 4, LPP2 Policy LP7 and NP Policy EHNP2 as discussed previously.

Character and Appearance, including historic environment considerations

22. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) prescribes a duty upon a decision maker to give special regard to the desirability of preserving the significance of a listed building or its setting. Additionally, Section 72(1) of the PLBCA, in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
23. In terms of National Policy, paragraph 212 of the Framework states that great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Paragraph 213 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 214 requires that, where a proposal would lead to 'less than substantial harm,' the harm should be weighed against the public benefits of the proposal, including securing its optimum use. Paragraph 135 of the Framework seeks that decisions are sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.
24. In relation to local planning policy, LPP1 Core Policy 37 is a design led policy which sets a number of design principles for assessing appropriateness such as that the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the area and reinforces the historic character and local identity, amongst others. LPP1 Core Policy 44 seeks to integrate landscape character and features into new development that reflects the landscape character of the area whereas LPP1 Core Policy 39 together with LPP2 Policies 36, 37 and 38 seeks to ensure that development conserves and wherever possible enhance the significance of heritage assets including their setting with specific principles to listed buildings and conservation areas and their setting. NP Policy EHNP5 also reinforces policies relating to the preservation and enhancement of the historic environment.
25. Whilst the appeal building is relatively modern compared with the buildings of Poughley Farm, there are clear linkages to the agricultural origins of the site whereby the remaining historic buildings contribute strongly to this significance which concerns the remaining historic fabric, the simple and functional construction and layout of surrounding and new buildings, the quality of the materials and craftsmanship and how they relate to the former form and function of a group of historic agricultural buildings. These buildings are experienced together as a farmstead and are valuable in allowing an understanding of the various agricultural operations, functions and relationships between the land and associated buildings. Additionally, the setting of the farmstead is quite large given its location to the outside of the settlement of East Hanney where there is a key undeveloped gap between the nearby settlement of West Hanney.
26. There are surrounding historic buildings such as a mill located nearby along the Letcombe Brook, and the Grade II listed Philberd's Manor and grounds located nearby. Whilst Philberd's Manor individually will have its own elements of significance and heritage value, the main considerations in this appeal is with

regards to whether the appeal site contributes to the significance and setting of this listing and the resultant effect (if any) as a result of the development. The Appellant in their Planning Statement that accompanied the original application rules out the appeal site being within the setting of Philberd's Manor and grounds purely as a result of its perceived visibility. Having reviewed this evidence, it does not represent a holistic assessment of the significance of the listed building or its setting where intangible and tangible heritage values are required to be considered in order to understand the contribution (if any) towards the significance of the heritage asset. Philberd's Manor is a large country house with extensive gardens which is located to the edge of the village. The building along with associated buildings and grounds showcases status which contributes to an understanding of the former form and function of the historic village and its layout and how the buildings are experienced, reinforcing their rural location, identity and setting.

27. As such there is a clear relationship of the more formal grounds at the edge of the village and the greater agricultural fields beyond the gardens. These fields beyond the gardens of Philberd's Manor reinforce the relationship of the listing with the rural location and historic agricultural uses surrounding and therefore represent part of the evidential, historic and aesthetic values of the significance of Philberd's Manor and grounds. As such, the surrounding fields and associations contribute to the significance of the listing and are part of the overall setting, the impact of which will need to be assessed.
28. As previously discussed the surrounding buildings such as the mill and Poughley farm and surrounding countryside highlight the historic agricultural operations beyond the settlement. Whilst the appeal building is not part of the historic agricultural operations, the building is one that is expected in a rural location. The upgrading of the status of the building and subdivision of land changes the way that the farm is experienced with the alterations of the building and surrounding subdivision upgrading the status of the building which would be experienced differently from the surrounding. Whilst it is appreciated that change does not infer harm, in this particular case the conversion of the building, together with the appearance and how it will be experienced will cause less than substantial harm to the significance of the listing via development within its setting.
29. The CA is not supported by an appraisal of significance, however based upon the descriptions as part of this appeal and from observations on site, the CA boundary generally follows the historic core of the village which is a linear development that is situated predominantly along the roads of Hall Lane, The Green, Main Street, High Street and Church Lane. Along these roads there are a number of historic buildings including listed buildings. There is an emphasis on spaciousness, visual gaps and well vegetated spaces in and around dwellings, with glimpses between dwellings to vegetation and open countryside beyond which reinforces the relationship and identity of the settlement between the rural location and the countryside beyond. Dwellings tend to be two storeys tall, predominantly detached with earlier examples more functional to higher status dwellings that contain larger setbacks from the road edge and utilise traditional building materials of brick and stone, with timber fenestration and brick chimneys and clay rooves with brick and stone boundary walls which reinforces their authenticity with construction techniques of the local area. Large trees are present in front gardens with views to the tops of trees visible between gaps which assists in reinforcing the green and leafy experience of the area. There has been limited infilling of the historic core with much of the newer

development of the settlement occurring towards the north-west and south which lies outside of the boundaries of the CA. The appeal documents also speak of the importance of the gap between the settlements of East Hanney and West Hanney, where the gap reinforces the extent and separation between the settlements which is important to the local distinctiveness, character and appearance of the locality and the CA.

30. Whilst not located within the boundary of the CA, the appeal site displays a number of positive characteristics which contribute to the significance of the CA. Whilst the building on the site itself is a very simple and functional building, there is a contribution to the rest of the farm buildings of Poughley Farm, which reinforces the relationship between the rural village, the historic agricultural operations and the countryside beyond. For these reasons whilst the current building is a detraction from the traditional rural buildings found surrounding, the rural landscape beyond the CA and the settlement has an inherent relationship to the significance of the CA. It is the presence of the large undeveloped gap which provides a welcome break in built form and is significant to the character and appearance of the locality and the significance of the CA in that the gap reinforces the relationship between the historic origins of the CA and the relationship with the greater countryside. As such I agree with the Council that the appeal site is within the setting of the CA.
31. The appeal site is experienced as part of the greater collection of buildings of Poughley Farm and spaces within the locality and is deliberately of a functional and modest scale and design which seeks to blend in with the form that is experienced within this locality. Whilst I appreciate explanation from the Appellant as to the different design options employed, given the functional design of the existing building, the alterations upgrade the status of the building and presents an awkward appearance to the existing building together with buildings surrounding. The new walls, windows and doors would overcomplicate the design of the existing building, departing from its deliberate modest and functional appearance and would not reinforce the positive characteristics and local distinctiveness of the building, the surrounding buildings or its relationship with the greater locality.
32. Consequently, the proposal would not reinforce the positive qualities of local distinctiveness, character and appearance, and would be detrimental to the significance of the CA from development within its setting. The proposed scheme would cause less than substantial harm to the significance of the CA. In conclusion of this matter, the proposal would be contrary to LPP1 Core Policies 37, 39 and 44; LPP2 Policies 36, 37 and NP Policy EHNP5 as described previously. Additionally the proposal would cause less than substantial harm to the significance of the CA and the Grade II listed Philberd's Manor.

Planning Balance

33. The proposal has been found to fail to preserve the setting of the listed buildings as required by S66 and fail to preserve or enhance the character and appearance of the CA as required by S72 in accordance with the expectations of the PLCBA and the Framework at Paragraph 212 as described previously.
34. Although serious, the harm to the significance of the listing and the CA would both be 'less than substantial,' within the meaning of the term in paragraph 214 of the Framework. Paragraph 212 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Paragraph 214 requires that, where development would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.

35. Some of the public benefits of the scheme are outlined within the Appellant's SoC, such as economic benefits from short term employment opportunities in the construction of the scheme, the development of small sites. There are also benefits in contributing to housing needs of the area and the government objectives of boosting the supply of new homes; socio-economic benefits from increased local expenditure as a result of new residents, which attracts low-medium weight. I also note reference to the self-build nature of the site, the intention of which is only shown in the application form and accompanying documents, with no formal agreement submitted with the application or appeal. Given the healthy land supply position which also covers deliverability of self-build dwellings, I therefore afford only limited weight to the self-build nature of the site. There are also environmental benefits from the increased planting and landscaping, and the environmental credentials of the build which is afforded moderate weight.
36. Despite these benefits, the impacts of the proposed development are significant when taking into account the housing strategy for the area and the transport sustainability credentials of the site. The lack of suitable access to nearby services or facilities and large distances to cover on inappropriate access roads would be unlikely to deter the use of the private car. Consequently, the appeal location is not very sustainable or well-connected to facilities to give an overriding social or environmental benefit in this countryside location. Additionally, there has found to be harm to the significance of the CA and the listing, of which I give great weight together with the detriment caused to the character and appearance of the building and the greater locality.
37. Overall, and in conclusion of this matter, the public benefits arising from the development would not outweigh the harm I have identified and to which I accord considerable importance and weight. The scheme therefore conflicts with the Framework, as per paragraph 212 described previously. The proposal would not therefore be made in accordance with the development plan.
38. Therefore, taking these findings as a whole, I conclude that the location for the proposed development would not be made in accordance with the housing strategy, and whilst there are benefits of the scheme in terms of its environmental and economic credentials, these benefits do not outweigh the harms caused to the social and environmental dimensions.

Other Matters

39. I note comments from interested parties with regards to concerns around flooding, and impact to wildlife as a result of the development. I also note comments of support for the proposal given the need for accommodation to care for horses on the site. I note that the issue around flooding derives from the Letcombe Brook which when flooded would essentially block access to the appeal site. Whilst I have no evidence within the appeal documents as to how this issue would be addressed, as the appeal fails in terms of character and appearance and therefore there is not a need to delve into this matter further. In terms of ecology this was found by the Council to be satisfactory and able to be subject to condition, I have no reason to

dispute this. Whilst the Appellant did not put forward any arguments with regards to the requirements of accommodation to equestrian usage, this did not appear to be part of the application which was for separate self-build accommodation separate to the existing use. As such, these comments regarding linkage between equestrian usage and accommodation is not relevant to this determination.

Conclusion

40. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR