



Appeal Decision

Site visit made on 19 March 2025

by **A Dawe BSc (Hons), MSc, MPhil, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/D3125/D/24/3353270

Broad Close, Little Tew Road, Church Enstone, Oxfordshire OX7 4NL

- 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 and Mrs Bowman against the decision of West Oxfordshire District Council.
 - The application Ref is 24/01142/HHD.
 - The development proposed is described as: Erection of new single storey garden room. Form two new openings in boundary walls located in the curtilage of a listed building.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of new single storey garden room; form two new openings in boundary walls located in the curtilage of a listed building at Broad Close, Little Tew Road, Church Enstone, Oxfordshire OX7 4NL in accordance with the terms of the application, Ref 24/01142/HHD, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 007 and 008 revision F.
 - 3) No development above ground level shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the building hereby permitted 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.

Preliminary Matters

2. The description of the proposed development in the above header and decision is taken from the original application form. It differs from that on the Council's decision notice which reads as *Erection of a single storey garden room. Formation of a new vehicle access for existing ancillary buildings*. I am however satisfied that the original description adequately describes the development, whereby it is clear from the submissions which openings are being referred to, being those for the proposed new vehicle access and doorway into the proposed garden room respectively. I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, having particular regard to whether, together

with the existing annexe building, it would read as being tantamount to a new dwelling.

Reasons

4. The proposed new building would be at near right angles to, and slightly separated from, the main section of the existing annexe. Together with the existing high wall to its south, the building would create a significantly enclosed courtyard area. A new direct vehicular access from the adjacent road to that courtyard would be formed, enabling access independently from that currently serving the host dwelling and site as a whole.
5. That existing annexe, granted planning permission as a conversion from the previous barn, has been implemented, comprising living accommodation. It is noticeably physically separated from the host dwelling, in terms of distance and the intervening high wall. Nevertheless, it remains connected by a driveway which cuts through that wall, having regard to its ancillary function. That connection is proposed to be retained and, as referred to above, the proposed building would also include a doorway entrance at its southern end, providing more direct pedestrian access between the proposed building and the host dwelling.
6. I also saw that the garden land to the west of the existing annexe is integral with the garden as whole serving the host dwelling, albeit with the parts nearest to the annexe and host dwelling respectively being segregated by a section of the high wall referred to above. The proposed garden room would have openings out to that garden area. However, the proposal does not include the creation of its own separate garden area.
7. The proposed building would not have a substantially smaller footprint to that of the existing annexe conversion. As such it would represent significant additional ancillary accommodation to the main house.
8. However, with its slightly smaller footprint and lower ridge height than that of the existing annexe, the proposed building's massing would not appear out of place in the context of that adjacent building. Together with the small degree of separation from that building, at near right angles to it, and the use of complementary materials and design features reflecting a simple barn form, the proposed building, in its own right and cumulatively with the existing annexe, would not appear as a dominating feature. The east facing elevation, that would be seen more prominently in relation to the existing annexe's front elevation, would also be designed with very limited openings, thereby contributing to its ancillary appearance, including in relation to the existing annexe. These factors together would be likely to prevent any significant cumulative reading of the existing and proposed annexes as being tantamount to a new dwelling.
9. Furthermore, although the proposed building would be closer to the main house than the existing annexe, there would still be a noticeable degree of separation, particularly as it would also remain within the confines of the intervening high wall, albeit abutting it. The proposed building would also be set well back from the road and therefore also significantly screened from public view by the remaining roadside wall relating to Broad Close or the existing annexe. As such, together with those other factors referred to above, the proposed building on its own and cumulatively with the existing annexe would also be likely to have a sufficiently secondary appearance to the host dwelling.

10. It is not disputed that the proposed new vehicular access would be created where there was a previous, now filled in, access. As such, it would not appear as an unexpected feature in its own right. However, as it was previously a farm access, it related to a different use to that now in place. That access now proposed would be seen as clearly relating to the annexe buildings given its location directly adjacent to the associated courtyard. Nevertheless, that would not be enough in itself to cause the annexes together to be read as being tantamount to a new dwelling, particularly given those various factors already set out above, and in relating to a large property as a whole where two access points with some degree of separation between them would not appear as unusual.
11. I have also received no substantive evidence to indicate that the proposed development would represent development in open countryside or on agricultural land.
12. For the above reasons, the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, having particular regard to whether, together with the existing annexe building, it would read as being tantamount to a new dwelling. As such, the proposed development would accord with policies OS2 and OS4 of the West Oxfordshire Local Plan 2031, adopted September 2018 (the Local Plan) which together, amongst other things, require development to be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; to form a logical compliment to the existing scale and pattern of development and/or the character of the area; and to be of high quality design.
13. The Council also refers to policy H6 of the Local Plan in the reason for refusal in its decision notice. However, that policy relates to alterations, extensions or sub-division of existing dwellings, as well as to the loss of existing dwellings to other uses, proposals to replace an existing permanent dwelling, and empty homes, and so is not directly relevant in this case.

Other Matters

14. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of the listed building (LB) comprising the host dwelling known as Broad Close. However, due to the degree of separation of the proposal from the LB and its containment by the existing intervening high wall, albeit abutting it, together with those design factors referred to previously, I am satisfied that the setting and significance of the LB would be preserved.
15. There are also various other listed buildings in the vicinity of the site, all to the south or south-west of Broad Close. This includes the Grade II* listed Church of St Kenelm directly to the south of Broad Close. However, due to the significant intervening distances and tree and vegetation cover, I am satisfied that the settings and significance of those other listed buildings would be preserved also.
16. Furthermore, I have had regard to the integrity of the LB in relation to the creation of the proposed openings in existing walls as referred to previously. In the case of the proposed vehicular access, that would involve re-opening a point of access, whilst that concerning the doorway would be a relatively modest intrusion into a wall consisting of varying materials. I am therefore satisfied that in both cases, the integrity and setting of the LB would be preserved.

Conditions

17. The Council has suggested four conditions in the event of the appeal being allowed. For certainty, the standard time limit condition would be necessary. For clarity, a condition highlighting the approved plans would also be necessary. Furthermore, in the interests of the character and appearance of the surrounding area and to preserve the significance of Broad Close in the context of its LB status, a condition would be necessary to secure details of the materials and finishes to be used in the construction of the external surfaces of the building concerned.
18. The Council has also suggested a condition to control the use of the proposed development for purposes ancillary to the dwelling at Broad Close, noting that it would be capable of being lived in as separate accommodation. However, there is no separate dwelling proposal before me. If the building concerned were not to be used as proposed, or if there was a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission was not to be granted. As such, and given that the description of development clearly refers to a garden room as opposed to a separate new dwelling, a condition limiting the use to an ancillary residential use would not be appropriate.

Conclusion

19. For the reasons given above, the appeal should be allowed.

A Dawe

INSPECTOR