



Appeal Decision

Site visit made on 10 February 2026

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/V3120/C/24/3355881

Land at East Cottage, Stanford Road, Buckland, Faringdon SN7 8QL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Allison Keene against an enforcement notice issued by Vale of White Horse District Council.
- The enforcement notice was issued on 29 October 2024.
- The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref P13/V0512/HH granted on 27th June 2013.
- The development to which the permission relates is: "Conversion of storage space above garage for ancillary residential accommodation (retrospective)".
- The condition in question is no 1 which states that -
"The additional residential accommodation hereby permitted shall be occupied only as accommodation ancillary and incidental to the existing dwelling on the site and shall not be occupied or used separately, and no separate curtilage shall be created."
- The notice alleges that condition 1 has not been complied with in that the additional residential accommodation permitted by planning permission P13/V0512/HH above the garage has been expanded into the ground floor garage space, facilitated by a ground floor kitchen and an internal staircase and the building is now occupied by the owner and his wife as their principal dwelling in a manner that is separate from and not ancillary or incidental to the existing dwelling.
- The requirements of the notice are to:
 - (i) Cease using the building as a principal dwelling.
 - (ii) Only use the building as permitted by planning permission P13/V0512/HH for residential accommodation ancillary or incidental to the principal dwelling known as East Cottage.
 - (iii) Demolish or dismantle as the case may be the ground floor kitchen and internal staircase in the building that facilitate or otherwise enable the building to be occupied and used separately from the principal dwelling known as East Cottage.
 - (iv) Make good any internal walls, floors or ceilings left void by the removal of internal staircase or otherwise damaged by the removal of the ground floor kitchen as a result of requirement (iii) above, using materials to match the existing building.
 - (v) Remove from the Land any waste materials arising from compliance with requirements (iii) and (iv) above.
- The period for compliance with the requirement is: 12 months
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Main Issues

1. An appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged. In this case, the condition stipulates that the accommodation can only be occupied ancillary and incidental to the main dwelling.

2. I have considered the reasons for issuing the notice. The main issues are whether the condition should be discharged in relation to:
- the spatial strategy of the development plan and access to services;
 - the effect on highway safety;
 - the effect on the living conditions of the occupiers of East Cottage and whether the annexe provides adequate living conditions with particular regard to amenity space provision; and
 - the effect on the character and appearance of the area.

Reasons

Spatial strategy

3. The site is in the open countryside in which Core Policy 4 of the Vale of White Horse Local Plan 2031 – Part 1 Strategic Sites and Policies (2016) (LP) sets out that development is not appropriate unless specifically supported by other relevant policies as set out in the Development Plan or national policy.
4. The site is located approximately 0.3 miles from Buckland, a ‘smaller village’ which the LP defines as being a settlement with a low level of services and facilities. At my site visit I observed that access to Buckland, and the nearest bus stop on the A420, are along an unlit road with no pavement or cycleway. Given these conditions and the limited level of local service provision, if the annexe were not only used ancillary or incidental to the main dwelling, there would be a high probability that residents would drive into neighbouring towns and villages, rather than walk or cycle.
5. There is no suggestion that removing the ancillary/incidental link between the accommodation and main dwelling has support from other development plan policies or national policies. It is therefore contrary to the Council’s strategic objectives for the location of development in conflict with the objectives of LP Core Policies 1, 3, 4, 33 and 35 which seek to safeguard the open countryside and ensure that developments encourage the use of sustainable modes of transport.
6. There is also conflict with the core planning principles of the National Planning Policy Framework (the Framework) which seek to guide development towards sustainable solutions.

Highway safety

7. The site has 2 accesses onto Stanford Road: a gated northern access which serves the annexe and a southern access which serves East Cottage. Stanford Road is a rural road subject to a 60mph speed limit. To the front of the annexe is a loose stone gravelled area which extends to the highway.
8. The site plan indicates that the gravelled area can accommodate 3 vehicles. However, in the absence of a tracking plan I cannot be assured that the site has the capacity for the manoeuvring of vehicles within the site boundaries to facilitate the vehicles exiting the site in a forward gear. Vehicles reversing off the site onto Stanford Road results in the potential for conflict with other road users, to the detriment of highway safety.

9. Additionally, if the annexe were not only used ancillary or incidental to the main dwelling, it would likely bring with it an increase in vehicular movements which would increase the potential for gravel from the access being deposited on the highway, further increasing the risk of accidents on Stanford Road.
10. Drawing on the above, the discharge of the condition subject of this appeal results in the potential for a harmful effect on highway safety. Conflict therefore arises with those aims of Development Policy 16 of the Vale of White Horse Local Plan 2031 – Part 2 detailed policies and additional sites (2019) (LP2) which seek to ensure that adequate provision is made for loading, unloading, circulation, servicing and vehicle turning.
11. Conflict also arises with the Framework which requires that safe and suitable access to the site be achieved for all users.

Living conditions

12. East Cottage has a grassed area of amenity space to the north and east of the dwelling and the annexe has an area of gravelled amenity space to the south. There is no delineation between the 2 amenity spaces and consequently both spaces are subject to overlooking at close range from the adjacent amenity space, resulting in a harmful lack of privacy within these spaces. The annexe's garden also experiences overlooking at close range from windows in the northern elevation of East Cottage. Whilst it is suggested that the use of land to the north of the site would increase the amount of amenity space, there is no evidence before me that this is part of the site.
13. The arrangement fails to provide an acceptable living environment for occupiers of East Cottage and the annexe with regard to the quality of amenity space provision. Conflict therefore arises with those aims of Development Policies 23 and 24 of LP2 which seek to ensure that proposals do not result in significant adverse impacts on the amenity of neighbouring uses and that the occupiers of new development will not be subject to adverse effects from existing or neighbouring uses.

Character and appearance

14. The annexe has a pitched roof which incorporates bi-fold doors, windows, roof lights and a roof terrace surrounded by a balustrade, all of which are domestic in appearance. The building's form, scale and site layout, coupled with the gravelled driveway, outbuilding and other domestic paraphernalia give the building an inherently domestic appearance. Nonetheless, the building is located adjacent to a small cluster of dwellings. Seen in the context of these residential buildings, there is no compelling reason to find that the residential appearance of the building and site would be harmful to the wider character and appearance of the area.
15. I find no harm in relation to the effect on the character and appearance of the area. I therefore find no conflict with LP Core Policies 37 and 44 which seek to ensure that development responds positively to the site and its surroundings and to protect key features that contribute to the nature and quality of the district's landscape from harmful development.
16. In their enforcement notice the Council has sited conflict with LP2 Development Policy 4 which sets out the Council's requirements for residential annexes. However, this appeal is made on the basis that the limitation concerned in the

condition which restricts the use of the building to accommodation ancillary and incidental to the existing dwelling ought to be discharged. Given this, LP2 Development Policy 4 does not appear to be applicable.

Conclusion

17. The enforcement notice alleges that there has been a breach of condition imposed on a planning permission and the deemed planning application is to carry out the development subject to the planning permission without complying with the condition being enforced against. The Council has given reasons why planning permission should not be granted without the condition. The appellant's case relates to the retention of the building in a use incidental to East Cottage, and its main focus is on operational development which is not part of the matters alleged in this notice. The appellant's case does not provide any substantive reasons as to why the Council is wrong. Drawing on my above conclusions regarding the effect of the removal of the condition on highway safety, living conditions and the conflict with the settlement strategy for the district, I can only conclude that the removal of the condition would conflict with the development plan. Therefore, I conclude that the appeal on ground (a) should not succeed.

Formal Decision

18. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.

N Robinson

INSPECTOR