

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 8 February 2021

Report of Additional Representations



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Report of Additional Representations

Application Number	19/03222/FUL
Site Address	Chimney Farm Barns Chimney Bampton Oxfordshire OX18 2EH
Date	27th January 2021
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	435749 E 200889 N
Committee Date	8th February 2021

Application Details:

Building operations and introduction of windows and door openings to facilitate the residential use of the modern farm building following the change of use from storage (use class B8) to a self contained residential dwelling (use class C3) by prior notification 19/01114/PN56 (Amended plans).

Applicant Details:

Mr Fergus Mitchell, C/O Agent

Additional Representations:

Amended wording of informative regarding holiday party lets and short term lets.

Informative:

Please note that using a property for regular short term lets constitutes a material change of use and will require planning permission. Applications for short term holiday party lets are unlikely to be supported as they would be inappropriate in this particular location.

[Annex:](#)

Appeal decision regarding the previous application refused by members (19/01878/FUL).



Appeal Decision

Site visit made on 14 July 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/D3125/W/20/3246508

Chimney Farm Barns, Chimney, Bampton OX18 2EH

- 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 Fergus Mitchell against the decision of West Oxfordshire District Council.
 - The application Ref 19/01878/FUL, dated 28 June 2019, was refused by notice dated 23 December 2019.
 - The development proposed is building operations and introduction of windows and door openings to facilitate the residential use of the modern farm building at Chimney Farm Barns following the change of use from storage (Use Class B8) to a self contained residential dwelling (Use Class C3) by prior notification 19/01114/PN56.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council determined on 6 June 2019¹ that pursuant to Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), prior approval is not required for change of use from B8 storage building to a residential dwelling. From my observations, it appears that the change of use has not commenced.
3. Class P does not allow for any operational development to be carried out as part of the permitted development right. The current appeal scheme seeks approval for building operations and introduction of windows and door openings to facilitate the residential use of the building.
4. **The Council's decision notice states that the scheme is considered overly domestic, with specific reference to the number of windows and rooflights. It is evident from the Council's appeal statement that it wishes to raise an additional matter with respect to the effect of the residential garden on the character and appearance of the area. I have taken this matter into consideration in my decision.**

Application for costs

5. An application for costs was made by Mr Fergus Mitchell against West Oxfordshire District Council. This application is the subject of a separate Decision.

¹ Council ref. 19/01114/PN56

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the building and the surrounding area.

Reasons

7. The appeal site is located in Chimney, which is a small hamlet consisting of a group of buildings set within the countryside. The appeal property consists of a modern building which is currently used for storage. By way of its design and external materials it appears as a simple utilitarian building. The dark colour of the external cladding and the largely solid elevations assist it in assimilating with the rural context of the appeal site. There is a concrete forecourt to the front of the building, and a group of trees to the west.
8. The proposal seeks to alter the external appearance of the building which has little fenestration, to facilitate its residential use. The large amount of glazing on the external walls and roof would significantly alter the external appearance of the building. **I appreciate the appellant's statement that the design seeks to reflect the large openings of the original agricultural building.** Nevertheless, the **building's** appearance would change from simple and utilitarian to domestic. This would be particularly noticeable when the lights are on within the rooms that are served by the large floor to ceiling windows. The proposal would therefore urbanise the appeal site and erode the rural character of the building and the surrounding area.
9. I acknowledge that the existing window openings would be unlikely to provide adequate levels of light and outlook and that some additional openings may need to be created to achieve a good standard of amenity for future users of the new dwelling. However, it is likely that a different design solution could achieve this which would respect the character and appearance of the host building and the surrounding area. The scheme before me is unlikely to be the only solution to achieve acceptable levels of light and outlook.
10. Turning to the external space, the plans show that the large openings in the western elevation would open onto a garden area, including a patio. This would involve the removal of trees. To my mind, the provision of a residential garden, including associated domestic paraphernalia such as garden furniture; garden equipment; and children's play equipment, would cause further urbanisation of the site.
11. I have had regard to the previous prior approval decision and the information provided by the appellant with respect to the use of the curtilage. In particular, I note that the red edge of the appeal site is the same as the prior approval application. However, the prior approval process does not establish the lawfulness or otherwise of a particular use. A lawful development certificate is not before me therefore I do not have sufficient certainty that a fall-back position exists in relation to the proposed garden area.
12. Whilst the appeal site is screened to a degree by mature vegetation and adjacent buildings, there are views of it from neighbouring properties and the road that serves the hamlet. This would be particularly so in winter months when vegetation is not in leaf. Furthermore, I acknowledge that the agricultural use of the Chimney Farm complex has ceased and that previous agricultural

buildings have been converted to residential accommodation², including external alterations. However, these conversions are not directly comparable to the appeal scheme. In particular, I observed that most of the glazing is on the inside walls facing the courtyard, with limited openings on the outer facing elevations. Also, the building includes a limited number of rooflights and the properties do not appear to have domestic gardens. In any case, I have determined the appeal scheme on its own merits and I do not consider that the nearby conversions justify the harm that I have identified.

13. The appellant has drawn my attention to a prior approval scheme at Fulwell Farm³ where the external appearance of the building was altered by new window openings. However, full details of the circumstances that led to the Council approving that scheme are not before me. The current appeal scheme relates to an application for planning permission whereas the Fulwell Farm case was for Prior Approval, and I am unaware of the relevant class and associated criteria that the scheme was assessed against. I have nevertheless determined the proposal on its own merits.
14. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the building and the surrounding area. It would therefore be contrary to Policy OS4 of the West Oxfordshire Local Plan 2031, which, amongst other things, states that new development should respect the historic, architectural and landscape character of the locality.

Other Matters

15. I have had regard to objections from local residents, which, in addition to the above main issue, raise various matters, including: noise and disturbance; parking; traffic generation; light pollution; and, ecology. However, as the appeal is being dismissed for other reasons, it has not been necessary for me to examine these particular matters further. Furthermore, I acknowledge the representation of support from a local resident, and I have had regard to the **comments from the Council's Conservation Officer which raise no objection**. However, these representations would not alter my decision.

Conclusion

16. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR

² Owl Barn, Rose Barn and Snipe Barn.

³ Reference 19/02933/PN56