

## **Appeal Decisions January 2023**

### **22/01327/HHD – 33 Church Road Long Hanborough**

*Two storey rear extension*

*Refusal reason:*

1. The proposed development by reason of its siting, design and form would create an incongruous and dominant feature that is not in keeping with the existing host dwelling or pattern of development. The proposal is therefore considered contrary to Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the relevant pages of the NPPF 2021, the National Design Guide and the West Oxfordshire Design Guide.

(Delegated decision)

#### **ALLOWED**

The Inspector did not agree with the Councils assessment of the scheme and considered that owing to the set back of the proposed extension, modest offset, and existing front gable, that it would not be unduly prominent within the street scene. In addition, the Inspector considered that the scale of the proposed extension would be sufficiently secondary and subservient to the host dwelling.

### **21/03031/FUL – 13 Willowbank Witney**

*Change of use of land to extend the domestic curtilage along with the addition of decking (retrospective)*

*Refusal reason:*

1. The provision of fenced decking extending beyond the established boundary of the residential units forming the western perimeter of the housing development, by reason of its prominence and its alien form, is an incongruous and visually obtrusive feature which fails to form a logical complement to the existing pattern of development and fails to protect the quality and character of the adjoining public green space and of the wider area, contrary to policies OS2, EH4 and OS4 of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

(Delegated decision)

#### **ALLOWED**

The Inspector did not agree with the Councils assessment of the scheme and considered that owing to the non-linear nature of the dwellings in the area, existing planting, and that the projection beyond the established boundary of residential properties is not significant, that the projection of the decking is not visually intrusive in the area. Also finding that as the development is sited on an inaccessible part of the green space that it would have a limited impact on its functionality and thus the development protected the green space.

## **21/01628/FUL – Church Farm Church End South Leigh**

*Change of use of land to allow the siting of 3 glamping wagons together with the erection of a bike storage shed and provision of 4 no. parking spaces (amended).*

*Refusal reason:*

1. The proposed development is the expansion of an existing rural business and the proposed use does not fall within any of the permitted Use Classes set out in Policy SLD6 of The South Leigh Neighbourhood Plan. In addition, the proposed development would not form a logical complement to the existing scale and pattern of development or the character of the area; is not compatible with adjoining uses; and would not conserve and enhance the natural, historic and built environment. In addition, the proposed development would involve the loss of an area of open space that makes an important contribution to the character or appearance of the area; and would harm the use or enjoyment of land and buildings nearby including living conditions in residential properties. As such, the proposed development is contrary to policies OS2, OS4, E2, EH2 and EH8 of the adopted West Oxfordshire Local Plan 2031, policies SLE1, SLE7 and SLD6 of The South Leigh Neighbourhood Plan, the West Oxfordshire Design Guide 2016, and the relevant paragraphs of the National Planning Policy Framework 2021.

(Committee decision – Member overturn)

### **ALLOWED**

The Inspector found that visibility of the proposed shepherd huts from outside of the site would be limited to a very short section of the public footpath. In addition, that the development would retain the enclosed nature of the site and its contribution to the mature landscape setting of the Parish. Moreover, that the huts would comprise a new form of development in the locality, however, their use would be associated with recreation and enjoyment of the countryside. Therefore, the character of the development would not appear out of place in the rural setting.

The Inspector found that due to the separation distances between the huts and nearby dwellings and the limited scale of the development, that noise, odour and fumes would not harm the living conditions of nearby occupiers.

With regard to the Neighbourhood Plan, specifically Policy SLD6. The Inspector found that the proposal would be in keeping with the character of its surroundings (bullet 1). Also, that it would not unacceptably harm the living conditions of nearby occupants (bullet 2). In addition, given the limited number of huts proposed it would not significantly increase traffic in the locality (bullet 3). However, the Inspector did agree that the proposal would not comply with the requirement for the proposal to fall under Use Classes B1, B2 or B8 of the Use Classes Order (bullet 4).

Although the Use Classes Order has since been updated, these were employment related uses covering offices, general industrial and storage or distribution. Whilst the proposal did not fall within those uses, it would nonetheless contribute to employment within the farm business by providing an additional source of income. Therefore whilst not in compliance with the final criterion of Policy SLD6, it would accord with the overall policy aim of supporting an existing rural business through a use that does not harm its setting or local surroundings.

## **COSTS**

The application for an award of costs was **refused**.

### **22/00017/PN56 – Sturt Farm Courtyard Oxford Road Burford**

*Conversion of existing barn to dwelling.*

*Refusal reasons:*

1. The proposal would fail Part 3, Class Q(b) and Q.1(i) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by way of the extent of development including new openings, terrace and works to the hay barn. In relation to the guidance of the Planning Practice Guidance (PPG), Paragraph 105 it is considered that the building cannot be converted without a substantial level of development, which goes beyond that which is deemed reasonably necessary under part Q(b) which suggests the unsuitability of the building for conversion. Therefore the proposal is not considered to be permitted development.
2. The proposal would result in the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5. Together with previously approved/implementable schemes for conversions of the existing buildings into C3 (dwellinghouses) would amount to 10. The implementation of all extant permissions would constitute an overdevelopment of the site and would be harmful to the character and appearance of the area.

(Delegated decision)

## **ALLOWED**

The Inspector did not agree with the Councils assessment of the scheme and considered that, as a matter of fact and degree that the works proposed in the appeal did amount to conversion, and are not so significant as to amount to rebuilding.

The applicant provided evidence during the appeal to confirm that while the number of permissions granted under Class Q would exceed 5 (if the appeal were to be allowed). Three of the previous permissions were from 2016; they were not implemented, and have since lapsed. As such, the cumulative number of separate dwellinghouses brought forward under Class Q would not exceed 5.