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# Appeal Decision

Site visit made on 4 February 2014

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 February 2014**

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**Appeal Ref: APP/C3105/A/13/2203382**

**'Bishops End', Burdrop, Banbury, Oxfordshire, OX15 5RQ.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Geoffrey Richard Noquet against Cherwell District Council.
  - The application Ref. 13/00781/F, is dated 23 May 2013.
  - The development proposed is the conversion of a redundant barn/store into a 1 bedroom and bathroom self contained holiday letting cottage.
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## Decision

1. The appeal is allowed and planning permission is granted for the conversion of a redundant barn/store into a 1 bedroom and bathroom self contained holiday letting cottage at 'Bishops End', Burdrop, Banbury, Oxfordshire, OX15 5RQ, in accordance with the terms of the application, Ref. 13/00781/F, dated 23 May 2013, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

## Procedural matter

2. The appellant says that that an application for costs will be made if the Council unsuccessfully defend the non-determination of the application, however, I have not treated this intention as a formal application for costs.

## Main Issues

3. The main issues are the effect of the proposed conversion and use of the existing barn/store into a 1 bed-room self-contained holiday letting cottage on the character of the building itself, the wider area and on the use of 'Bishops Blaize'/'Bishops End'.

## Reasons

### *Background*

4. The site comprises a stone barn/store which lies to the front of a long main building lying near the centre of the dispersed village of Burdrop which is located in open countryside. The stone building has a mono pitch roof sloping to the front, and is of two storey form, although as the building is partly set into a bank, a door to the upper floor opens out to the higher ground level at the rear. The stone building is attached to the main building at a corner although there is no direct internal link between the buildings. At the front of the building there is an informal loose surfaced area used for parking and at the time of my site visit the barn/store was in the process of being fitted out.

5. It is apparent from the planning history of the site that 'Bishops End' was previously known as 'Bishops Blaize', and was a public house where the building the subject of this appeal was the bottle store. It is said that the pub closed in 2006 and the parties and representations from the local community make reference to a long running conflict between the owners, and their desire to use the property as a dwellinghouse, and the local community's desire for the licensed premises to reopen as a pub. In this regard I note the appeal decisions APP/C3105/C/12/2170904 and APP/C3105/A/13/2190714 where an enforcement notice requiring the owners to cease using the premises as a wholly residential property was upheld. Planning permission to change the use of the premises to a dwellinghouse was subsequently refused and the appeal was dismissed. However, it is apparent from the representations that this dispute is not finally resolved.
6. Since the lodging of the appeal against non-determination, the Council have indicated that if the application had still been before it for determination, it would have been approved subject to the five conditions as set out in the minute of the Planning Committee meeting of the 3 October 2013.

*Effect on the character of the building*

7. Saved policy H19 of the Cherwell Local Plan (1996) indicates that proposals for the conversion of a rural building to a dwelling will be favourably considered provided various criteria are met. In particular the policy applies to historic rather than modern buildings and which do not require major rebuilding or alteration.
8. In this case, I note that while the building appears to have been modified recently with some new stonework, overall the building is of an appropriate form for conversion and the alterations carried out maintain the architectural character of the building. This character would not be harmed by the intended use as a holiday cottage.

*Effect on the character of the area*

9. In terms of the wider area, there would be little visual or physical impact stemming from the intended use. The loose surfaced area at the front could be used to accommodate a parking space but this would not detract from the wider setting of the area which forms part of the Sibford Gower and Burdrop Conservation Area, and I find that the proposal would have a neutral effect on the character and the appearance of this sensitive area.

*Effect on the use of the main building*

10. Many of the representations on the appeal refer to the dispute over the legal status of the main property and whether it is a dwellinghouse, a public house or something else. Local people are concerned that allowing the barn/store to be used as a holiday home may threaten the possible return of the pub. However, while the legal status of the main building is not a matter before me, even if the pub use was resumed, the use of the barn/store as a holiday cottage would not be likely to prejudice this being continued. The building is functionally separate and there appeared to be other means of storing pub trade products securely around the site. Further, I do not consider it unusual that a rural pub also offers some form of holiday accommodation. In principle, the use accords with the National Planning Policy Framework which supports

sustainable rural tourism and the expansion of rural businesses and enterprise especially through the conversion of rural buildings.

11. I therefore conclude that the use proposed would not prejudice the use of the main building as a public house, and that the use for a small unit of holiday accommodation would be appropriate for the development of rural tourism.

#### *Conclusions*

12. Bringing together my conclusions on the main issues, I find that the use proposed would generally accord with the provisions of the development plan and national guidance. It would not harm the character and appearance of the host building and would have a neutral effect on the local Conservation Area. Finally the nature of the use and the circumstance of the site are such that the proposal will not prejudice a public house use of the main building of 'Bishops Blaize' in the long term. I will therefore allow the appeal.

#### *Conditions*

13. The Council request that 5 conditions are imposed if I am minded to allow the appeal. A condition (No.2) referring to the specific plans approved is necessary in the interests of clarity. Further, as the proposal is for the use of the building as a holiday letting cottage, it is important that a condition is imposed (No.3) to ensure that the use is not separated from the main planning unit of 'Bishops Blaize/Bishops End' because of the close proximity of the relative buildings and because the barn/store does not have adequate amenity space or parking facilities for independent residential use. Moreover, a condition (No.4) to ensure that the period of occupation by any particular person or group is limited so that the premises are used for holiday lets and not permanent residential accommodation. Finally, as the submitted site plan for the development proposed does not show any parking facilities for the use, a plan showing an acceptable space should be submitted and agreed by the Council and retained thereafter (No.5). The Council says that four spaces are required but this is excessive and only one space need be provided given the limited nature of the letting unit.
14. I will therefore impose these conditions as I have described above, modified as necessary to better meet the guidance in Circular 11/95.

*David Murray*

INSPECTOR

### **Schedule of 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 the approved plans as follows: site plan; proposed ground floor layout; proposed first floor layout; north and east elevations; west and south elevations; roof plan.
- 3) The building shall be used for holiday lets only and remain ancillary to the property 'Bishops Blaize/Bishops End'. The building shall not be used for any other purpose including those within Class C of Schedule 2 to the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005.
- 4) The holiday letting unit hereby approved shall not be let to or be occupied by any person, or connected group of persons for a period exceeding eight weeks in any calendar year.
- 5) Prior to the occupation of the development hereby approved, a plan showing a car parking space for the letting unit, including the surfacing and drainage of the space, shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to the first occupation of the letting unit, the parking space shall be laid out, drained and surfaced in accordance with the approved details and shall be retained for the parking of vehicles thereafter.