



Appeal Decision

Site visit made on 7 September 2021

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/C3105/D/21/3273937

Heath Barn, Sibford Gower, Banbury, Oxfordshire OX15 5HQ

- 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 Blackwell against the decision of Cherwell District Council.
 - The application Ref 20/03409/F, dated 24 November 2020, was refused by notice dated 9 February 2021.
 - The development proposed is a single storey, connecting link between the garage and the original barn conversion dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above, I have taken the site address from that given on the appeal form and decision notice rather than the planning application form, as it is clearer.
3. The Government published its revised National Planning Policy Framework (the Framework) on 20 July 2021. The parties were given the opportunity to comment on the bearing of the revised Framework on the case as part of the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the historic character of the converted original barn building.

Reasons

Character and appearance

5. The proposal concerns a dwelling comprising a converted former cart barn and associated detached garage building (albeit that this also includes living accommodation, I shall hereafter refer to this structure as the garage building) set in attractive, rolling countryside. Notwithstanding the various physical alterations to the original barn building and the presence of the detached garage building, access and domestic curtilage, the original form and agricultural function of the main building is clearly discernible. The relatively modest scale, traditional materials, linear footprint, roof pitch, use of original openings for fenestration with limited other openings all combine to respect the simple form of the original rural building. Moreover, its isolated setting within

the wider farmed landscape reinforces its strong countryside character. As such, the appeal site, and in particular the original converted barn building, makes a positive contribution towards the rural character and appearance of the area.

6. There is no dispute between the parties that the appeal building is not listed, nor in a conservation area, nor identified on a local list. Nevertheless, the Council consider it to be a non-designated heritage asset¹ and the appellant acknowledges that there is an arguable case for such a finding². The Framework defines a heritage asset to include a building that has a degree of significance meriting consideration in planning decisions because of its heritage interest.
7. Planning Practice Guidance advises that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications³. Given the retention of the original characteristics described above that convey the historic form and function of the former cart barn, it possesses local interest and aesthetic value as part of Oxfordshire's agricultural heritage. Although its significance would be low, these factors point to a level of heritage interest that would merit consideration in my decision as a non-designated heritage asset.
8. The proposal would introduce a single storey linking extension at the north-western end of the barn conversion such that it would connect with the detached garage building. The linking section would be a contemporary largely glazed structure with a flat sedum roof. The appearance of the extension would deliberately contrast with the traditional form and materials of the original converted barn. The resulting footprint would be a broadly L shaped arrangement inconsistent with the simple linear form and modest character of the original rural building. Furthermore, joining the built form together would necessitate an additional opening in the original fabric of the gable end.
9. In addition, the proposed elongated consolidated building would appear more complex as the clear physical separation that presently assists in defining the garage building to be of lesser status relative to the main building would be diminished. This would markedly undermine the simple, isolated form of the original converted barn.
10. Notwithstanding its set back distance from the B4035, my observations were that the site can be seen from the road, as well as in more distant views from several directions. This is reinforced by the landscape impact assessment and photographs provided⁴ which illustrate that some glimpses would be possible from public rights of way. Accordingly, contrary to the appellant's assertion that views of the site are limited, the open countryside setting of the appeal site affords a notable degree of visibility. The presence of the proposed extension would, to a degree, harmfully obstruct views of the largely intact north-western gable end of the barn conversion. Furthermore, the significant amount of glazing introduced by the link as well as the new windows serving the proposed bedroom in the garage building, would mean that the proposed

¹ Council's Planning Report, paragraph 1

² Page 21, Design, Access and Planning Statement, prepared by Charlie Luxton Design dated February 2020

³ Paragraph: 040 Reference ID:18a-040-20190723

⁴ Design, Access and Planning Statement, prepared by Charlie Luxton Design dated February 2020

development would be more noticeable in views when internally lit. This would exacerbate the degree of harm.

11. Whilst hedgerows and trees may limit the extent of the harm by providing some screening, this would not fully overcome my concerns, especially given that some trees and hedgerows would not always be in full leaf. Moreover, I am not convinced that the recently planted Yew hedging highlighted⁵ would remain at a significant height directly in front of the proposed study, or bedroom windows shown on the northern elevation, as to do otherwise would compromise the amount of natural light to those rooms.
12. Such a design approach would not align with the Council's guidance contained in Cherwell's Design Guide for the conversion of farm buildings (2002). This states that generally every effort should be made to retain the original simplicity of scale and form and to alter it as little as possible externally and internally. Whilst this is informal guidance, the thrust of this general principle has relevance to the proposal before me. As such, it attracts moderate weight.
13. Taking these factors together, the proposal would result in harm to the character and appearance of the area. It would also diminish the significance of the non-designated heritage asset.
14. The appellant contends that the planning permissions already granted⁶ at the site mean that the original barn has been significantly altered and domesticated. However, I cannot agree that the original character of the building has been entirely lost, nor substantially compromised and my observations were that its distinctive appearance sets it apart from that of a typical domestic property. Nevertheless, I accept that the cumulative impact of these developments, and proximity of the detached garage have to a certain degree, eroded the historic significance of the original building. Even so, that would not justify development that would exacerbate the harm.
15. Neither would the relatively small scale of the proposal justify harmful development, as otherwise such an argument could be repeatedly used, thereby resulting incrementally in significant harm.
16. My attention is drawn to an appeal decision⁷ concerning a proposed extension to a former traditional farm building in West Oxfordshire. Contrary to the appellants indication, the full decision was not provided, but extracts of the decision were cited and the plans⁸ were supplied. Based on the information before me, that proposal related to a differently configured building, which given the unique nature of land was in a different context. As it related to a different administrative area, the development plan policies and guidance were not those before me. Neither is there any reference to the building in that case constituting a non-designated heritage asset. Taking these factors together, it was materially different to the scheme before me, and consequently, is of little weight. In any event, I have determined the proposal on its own merits.
17. The refusal reason on the Council's decision notice includes reference to saved policy H19 of the Cherwell Local Plan, November 1996 (LP) which refers to the conversion of a rural building to a dwelling. However, in this case the appeal

⁵ Page 8, Appellant's Statement of Case

⁶ Appendices 1-4, Appellant's Statement of Case

⁷ Reference APP/D3125/D/17/3190606

⁸ Appendix 7, Appellant's Statement of Case

building has already been converted to a dwelling. As such, I accept that, like the approach taken by the Inspectors in the appeal decisions⁹ to which I am referred, the policy governing conversions has limited relevance to subsequent proposals for domestic development.

18. The Framework advises at paragraph 203 that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account when making a decision, and that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. I acknowledge that the proposal would provide additional accommodation for the appellant and future occupants of the dwelling. However, given the modest scale of the proposal, these benefits would be marginal and consequently, attract little weight.
19. Balanced against that, there would be a moderate degree of harm to a heritage asset of low significance. However, paragraph 189 of the Framework stresses that such assets are an irreplaceable resource. Therefore, overall moderate weight is given to this harm.
20. Furthermore, given that I have found that there would be harm to the character and appearance of the area, the proposal would conflict with policies in the development plan relating to design quality and the historic environment. These include saved policy C28 of the LP, which amongst other matters, requires development to be sympathetic to the character of its rural context. Additionally, policy ESD13 of the Cherwell Local Plan 2011-2031, Part 1, July 2015 (LP Part 1) expects development to respect and enhance local landscape character and avoid harm to the historic value of the landscape. Likewise, policy ESD15 of the LP Part 1 requires high quality design expected to complement and enhance the character of its context, particularly in the vicinity of historic assets.
21. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. No compelling reasons have been shown to justify my determining the development other than in accordance with the adopted development plan.

Conclusion

22. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁹ Appendix 6, Appellant's Statement of Case