

JPPC ref: AE/8256

The Planning Inspectorate
By electronic means

28 April 2021

Dear Sirs

SECTION 78 APPEAL: FULL STATEMENT OF CASE

APPEAL BY: MR JONATHAN BLACKWELL

PROPOSAL: A SINGLE STOREY, CONNECTING LINK BETWEEN THE GARAGE AND THE ORIGINAL BARN CONVERSION DWELLING.

SITE AT: HEATH BARN, SIBFORD GOWER, BANBURY, OXFORDSHIRE, OX15 5HQ

Introduction

This Statement relates to a Householder Appeal by Mr J Blackwell (“the Appellant”) against the decision of Cherwell District Council (“the Council”) to refuse its’ householder planning application for the erection of a single storey linked extension between an existing garage building and the main dwelling house known as Heath Barn.

The Local Planning Authority (LPA) reference is 20/03409/F.

The application was submitted to the Council on 24 November 2020 and registered by the Council on 14 December 2020. The appeal application was accompanied by the following plans and documents:

Plans

- Site Location Plan – drawing ref: 213_03_200
- Existing Block Plan – drawing ref: 213_03_304
- Existing Ground Floor Plan – drawing ref: 213_03_301
- Existing Elevations East & West – drawing ref: 213_05_201
- Existing Elevations North & South – drawing ref: 213_05_203
- Proposed Block Plan – drawing ref: 213_03_301
- Proposed Ground Floor Plan – drawing ref: 213_03_300

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- Proposed Sections – drawing ref: 213_04_301
- Proposed Elevations East & West – drawing ref: 213_05_301
- Proposed Elevations North & South – drawing ref: 213_05_300

Documents

- Design and Access Statement prepared by Charlie Luxton Design

The application was refused under officers' delegated powers for a single reason as specified in the Council's decision notice dated 9 February 2021 which states as follows:

“1. The proposal would result in a significant and adverse alteration to the scale and form of the former agricultural building causing harm to its rural character, contrary to the provisions of saved Policy H19 of the Cherwell Local Plan 1996. Furthermore, by virtue of its isolated siting, increased scale and massing, and overly domestic design, the proposal represents inappropriate development in the open countryside contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance set out in the National Planning Policy Framework.”

The Design and Access Statement which was submitted as part of the planning application describes the site and its surroundings, provides a detailed account of the relevant planning history and identifies the planning policies relevant to the planning application which is now the subject of this appeal. The Design and Access Statement sets out a reasoned justification why the development is considered acceptable and accords with the development plan.

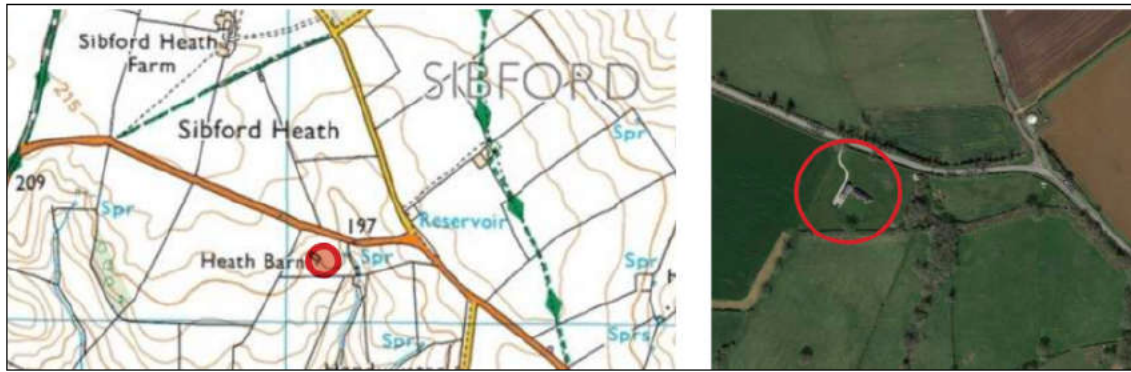
This appeal statement should therefore be read in conjunction with the aforementioned report and the full suite of planning application drawings listed above. The remainder of this statement will therefore focus primarily on countering the Council's reason for refusing planning permission. However, before doing so, it will first describe the appeal site and the surroundings before providing an overview of the relevant planning history and then a description of the appeal proposal itself.

The Appeal Site and its Surroundings

The appeal site comprises of a single dwelling house and garage located on the south side of the B4035. The site is located approximately 7 miles from Shipton-on-Stour and 8 miles from Banbury.

Heath Barn is set back from the public highway by approximately 60 metres with existing hedgerows along the property boundaries, interspersed with several mature trees. The appeal site is not within the Cotswolds Area of Outstanding Natural Beauty and only has limited visibility from this designated landscape. The site is not within a conservation area and Heath Barn is not a statutory listed building.

Images identifying the location of the site are included below.



Site Location

The site sits within an attractively varied landscape that is typical of the area, and is broadly consistent with the descriptions provided by the two published Landscape Assessments that cover the County and District. These are The Oxfordshire Wildlife and Landscape Study (OWLS), and the Cherwell District Landscape Assessment (CDLA).

OWLS categorises this landscape type as Rolling Village Pastures, the key characteristic of which are:

- A strongly undulating landform of rounded hills and small valleys.
- Small to medium-sized fields with mixed land uses, but predominantly pasture.
- Densely scattered hedgerow trees.
- Well defined nucleated villages with little dispersal into the wider countryside.

The CDLA has the site falling within the Ironstone Hills and Valleys Landscape Character Area and describes it as an upland area forming the northern extent of the Cotswold Hills...having an extremely complex topography, with unique ironstone villages and tranquil countryside that is remote and isolated, particularly towards the west of the character area.

Relevant Planning History

Heath Barn has had several stages of development over the last nine years or so.

In March 2012, planning permission was granted under application reference 12/00141/F for the conversion of an existing barn into a dwelling, following which planning permission was granted for a double garage designed to appear as a converted cart shed (CDC ref: 13/01552/F).

In August 2014, planning permission was granted for alterations to the approved garage building to facilitate its use as living accommodation (CDC ref: 14/00892/F).

More recently, planning permission was granted under application reference 20/01748/F for the change of use of land and associated works to form a new vehicular access and extension of the residential curtilage of Heath Barn.

Details of each of the applications referred to above including the decisions notices and the approved plans are attached to this statement as **Appendices 1, 2, 3 and 4**.

The Appeal Proposal

The appeal application was submitted to the Council as a Householder Application seeking planning permission for works and/or an extension to a dwelling house. As detailed in section 1 above, it was formally registered by the Council on 14 December 2020 and a copy of the application form is included with this appeal submission.

More specifically, the appeal proposal is seeking planning permission for a single storey, connective link between the garage and the original barn conversion dwelling. The linking building is conceived as a lightweight glazed link which will allow the barn building to maintain dominance and its character.

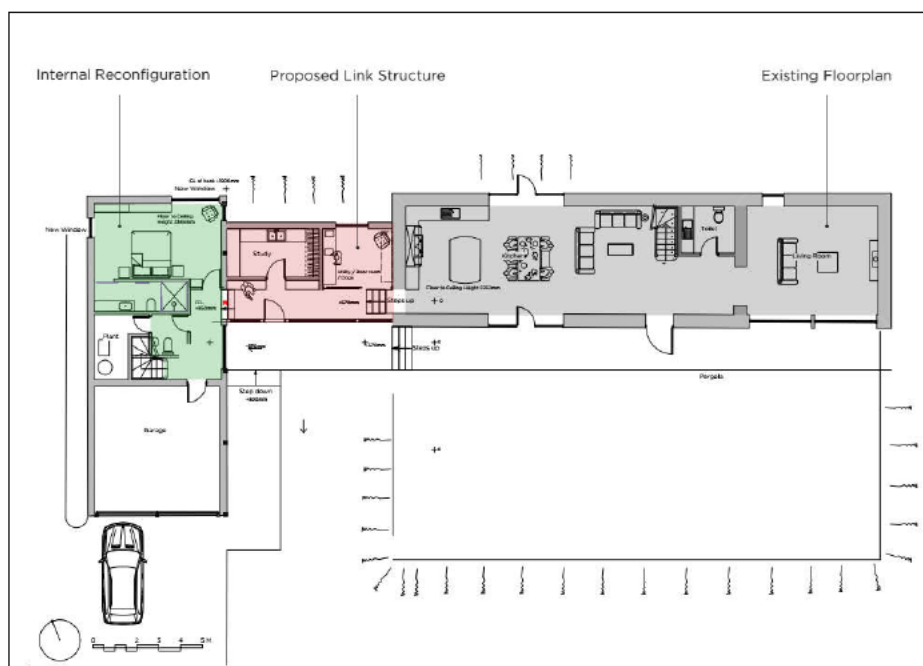


View of proposed link looking north



View of proposed link from the driveway looking south

The proposal will create a new office space and utility room, with a connective glazed walkway between the two existing buildings. The front door to the dwelling will be relocated in the link to clearly identify the entrance sequence, which is currently confused. The proposal also seeks to convert the current office into a double bedroom with en-suite, and a dressing room, thus requiring the insertion of two new windows to the ground floor of the converted garage. The plant space will remain in the same location, with adjustments made to the internal walls.



Proposed ground floor plan

Refusal Reason

The Appellant considers it important to start by confirming to the Inspector that the appeal site is not in a Conservation Area, i.e. it is not recognised as place of special or historic interest, which has a particular character or appearance worthy of preservation or enhancement. The building the subject of this appeal is not a Statutory Listed Building nor is it identified by the Council as a Locally Listed Building. It is a vernacular stone building similar to many found throughout the district – there is nothing special or distinct about it in that regard.

The Council's decision notice cites four development plan policies on which the reason to refuse planning permission is based. These are as follows:

- *CLP 1996 Policy H19: Conversion of Buildings in the Countryside*
- *CLP 1996 Policy C28: Layout, Design and External Appearance of new Development*
- *CLP 2011-2031 Policy ESD13: Local Landscape Protection and Enhancement*
- *CLP 2011-2031 Policy ESD15: The Character of the Built and Historic Environment*

Whilst not referred to in the Council's decision notice, the Appellant considers that Policy C30 of the CLP 1996 is relevant to the consideration of the appeal proposal in that it provides specific policy advice in relation to new residential developments. CLP 1996 Policy C30 confirms that design control will be exercised to ensure that any proposal to extend an existing dwelling is compatible with the scale of the existing dwelling, its character and the street scene. Any extension must provide acceptable standards of amenity and privacy (my emphasis).

For completeness and ease of reference, the full details of the four policies are included as **Appendix 5**.

It appears to the Appellant that the refusal reason centres on two issues:

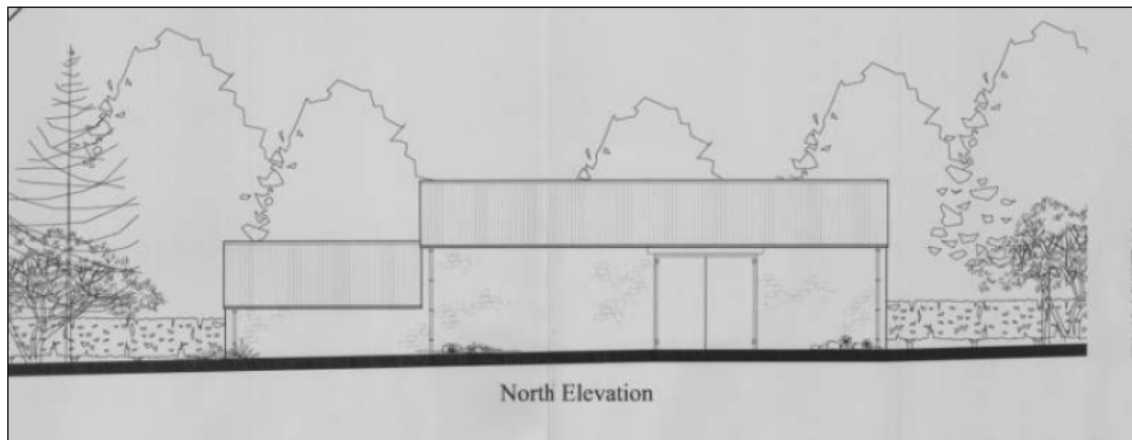
- 1) whether the proposed extension would result in a significant and adverse alteration having regard to the scale and form of the existing building; and
- 2) whether the size, scale and design of the extension would have an adverse impact on the character of the existing building and the wider setting.

The two issues are, to a large degree, linked, and so the remaining part of this statement will consider them together, before forming an overall conclusion on the acceptability of the development having regard to the relevant planning policy context under which the proposal should be considered.

Having specific regard to the Council's reason for refusing planning permission, it is relevant to refer back to the condition and appearance of the original building prior to its conversion and consider this against the plans approved by planning application 12/00141/F, and as subsequently amended by 13/01552/F, 14/00892/F and 20/01748/F).

The original appearance of the building was clearly that of traditional stone barn. The building had minimal openings and, the main section of the barn, was under a corrugated asbestos sheet roof. The images below are of the north and south

elevations of the barn and show the appearance of the building prior to the planning permissions being implemented.



North Elevation of Barn - pre conversion circa November 2011



South Elevation of Barn - pre conversion circa November 2011

Through the grant of planning permission for conversion, a number of alterations including new window and door openings to the building were accepted by the Council. The changes were assessed against development plan policies which sought to protect the historic character and fabric of buildings and would only be considered acceptable if the extent of alteration was minimised.

In granting planning permission for the conversion, it is clear that the Council were of the opinion the development proposal complied with the relevant policies of the adopted Cherwell Local Plan 1996 (CLP 1996), as well as the policies in the NPPF concerning design and heritage conservation.

Having regard to the extent of the alterations to the building, it is appropriate to question whether it is reasonable to rigorously assess any subsequent development of the building against CLP 1996 policy C28 since this policy deals with the conversion of vernacular buildings in the countryside and seeks to preserve the existing structure and minimise the extent of works and alterations to a building.

In this case, we are already working with a significantly altered and domesticated building through the conversion of the original barn building but also the new garage building, which has also subsequently been converted to provide further living accommodation, with the further alterations needed to facilitate that.

It is also worth noting that the setting of the barn is also much altered as a result of the creation of the domestic curtilage of the property (which has recently been enlarged with the benefit of planning permission), the new vehicular access also formed with the benefit of planning permission and, finally, the excellent landscaping scheme that has been implemented in association with the residential conversion of Heath Barn.

The Appellant would go as far to argue that the original character and appearance of the building (as specifically referred to by the Council in its refusals reason) has, to a large extent, already been lost through the approved residential conversion/extension and, to the untrained eye, the building now has the appearance of a typical domestic property.

A copy of the drawings approved by the aforementioned applications 12/00141/F, 13/01552/F, 14/00892/F and 20/01748/F are included with this statement as Appendices 1 to 4.

Setting aside the extent of change which has already occurred, the appeal application comprises the erection of a single storey connective link between the garage building and the main part of the house. The extension is designed as a simple oak framed building under a sedum green roof. It has been specifically designed and expressed as a low-lying predominantly glazed structure which helps achieve a low impact building with a modern and lightweight feel to it.

The proposed extension will not extensively alter the existing structure, in fact, the existing building will be largely untouched with the only alterations being the creation of an opening at either end allowing a connection to be made between the two existing buildings. The proposed extension is modest in terms of both its size and scale, with a floor area of approximately 35sq.m and standing at no more than 2.9 metres in height. Furthermore, the proposed extension would 'fill in' the gap between the main part of the house and the garage such that the property would not be extended beyond the existing building envelope.

The extension has been designed by the project architect to remain clearly secondary and subservient to the principal building in terms of footprint, height and volume. The proposal represents a well-designed and well-executed modern extension and ensures that it can be clearly differentiated from the existing structure. As a predominantly glazed structure, the proposed extension has a low visual and physical impact due to its apparent lack of mass and it allows views through the structure to the wider landscape beyond.

CLP 1996 policies H19, C28 and C30 and policy ESD15 of the CLP 2011-2031 require new development including conversions and extensions to respect the form, scale, massing and external materials of adjoining buildings. The reasons for the development's compliance with these policies are, to a large extent, already covered in the Design and Access Statement submitted with the planning application.

Conscious of avoiding a repeat of those comments here, the Appellant would simply note that the extension would have a lightweight uncluttered appearance, and the massing, form, design and materials used for the extension relate well to the current property in so far as the original form of the building will remain clearly visible and the primacy of the original property will be safeguarded.

With regard to the building's immediate setting and the area more generally, the appeal scheme has been designed to ensure regard is had to the character and appearance of the locality.

The siting and design of the proposed link has been conceived to be in keeping with the site's agricultural past and its wider farmed setting. Public views of the site are limited and reveal the existing buildings as minor elements in the landscape. In terms of the proposed link itself, it would appear as subservient to the existing buildings, and the Yew hedging planted along the northern side of the property (see photos below) will preclude most, if not all, public views of the proposed extension.

Recently planted Yew hedging preventing public views of the link extension from the north



View from the north side of the property looking due west

Recently planted Yew hedging preventing public views of the link extension from the north



View from the north side of the property looking due west

As a result, proposed changes to views and landscape character would not be harmful and certainly not materially greater than those resulting from the current development. It stands therefore, that the Appellant considers the proposals fully accord with policy EDS13 of the CLP 2011-2031 in that the development would respect the local landscape character.

The National Planning Policy Framework (NPPF) makes clear that good design is indivisible from good planning and is about achieving high quality design for all developments including individual buildings. The proposed extension respects the existing plan form of the building and the material palette for the extension reflects the local vernacular. The proportions of the extension also ensure the original structure can be appreciated and viewed in its entirety.

Furthermore, the extension has been designed so that it is clearly secondary and subservient to the original dwellinghouse and the height of the extension ensures that the roofslope of the original barn range remains unfettered. These are all matters which have been carefully considered to ensure the primacy of the property will not be eroded and the original barn range can still be read and viewed as a traditional building.

Other Matters

This is a long-standing matter that has been dealt with by numerous appeals over the years and therefore it should be evident to the Council that they should apply house extensions policies and not barn conversion policies when considering applications such as the appeal proposal. Attached to this statement as **Appendix 6** are examples of these previous decisions on other sites in the District.

There has also been a case similar to this one in neighbouring West Oxfordshire district where an application was refused for a relatively modest extension to a former traditional farm building that had been converted to a residential property following the grant of planning permission. The site in question is known as The Meetings, road from Butchers Hill to Meetings Farm, Little Tew, OX7 4JN.

The application (WODC ref: 17/02710/HHD) was refused under officers' delegated powers for the following reason:

“The proposed extension by reason of its design, scale and form would appear overtly domestic in character and would be out of keeping and harmful to the simple character, appearance and form of the original converted agricultural barn and as such will appear an obscuring and incongruous addition, failing to respect or enhance the original character and appearance of the building and area in general. Consequently, the proposal is considered to be contrary to policies BE2, BE10 and H2 of the adopted West Oxfordshire Local Plan 2011, Policies OS2, OS4 and H6 of the Emerging Local Plan 2031, the relevant pages of the NPPF and West Oxfordshire Design Guidance.”

The Applicant lodged an appeal against the Council's decision to refuse planning permission and that appeal was allowed. Within his reasoning, the Inspector made the following comments and observations which led him to overturn the Council's decision and grant planning permission:

- “9. *The appeal proposal would involve the creation of a strikingly modern extension to the original agricultural building, but it would be in keeping with the approved conversion scheme. Moreover, the proposed extension would be modest in scale and would not obscure the historic form of the original building. On the contrary, it would result in an interesting contemporary architectural reinterpretation of the original building and it does not deserve to be rejected on design grounds. Nor is the existing building so special that it needs to be preserved unchanged for its own sake.*
10. *Moreover, the proposed kitchen extension would not be obvious in any public view and would not harm the building's wider setting or the area in general.*
11. *The appeal scheme would amount to a modest extension to the dwelling that is being created but it would provide useful additional space and would create an*

interesting and successful architectural whole. I have concluded that the design does not harm the character of the host building or its surroundings. It accords with the 'National Planning Policy Framework' and it does not undermine the Development Plan. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions, and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision."

A copy of the Inspector's appeal decision letter dated 20 February 2018 (ref: APP/D3125/D/17/3190606) and the approved plans are included as **Appendix 7**.

Conclusion

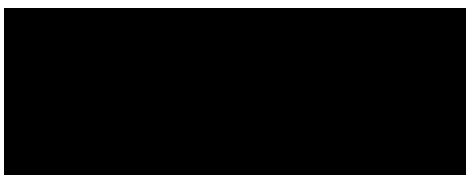
The NPPF makes clear that development that is sustainable should go ahead, without delay. The development has been carefully considered against national and local planning policies and, from the foregoing and the analysis undertaken in the Design and Access Statement accompanying the application and this appeal, it is concluded that the proposed development would be consistent with the Development Plan and the policies contained in the NPPF.

Contrary to the Council's reason for refusing the appeal application, the Appellant is of the firm opinion that that the proposal would be of a design, scale, and form which would be in keeping with the character, appearance and form of the converted building, whilst at the same time ensuring that the overall character and legibility of the original barn range is respected.

The proposal would not cause substantial and demonstrable harm so as to outweigh the presumption in favour of sustainable development and there are, in the Appellant's view, no material planning considerations which would weigh against the appeal application. For these reasons the Inspector is therefore respectfully urged to allow the appeal and grant planning permission.

I look forward to receiving confirmation that the appeal has been validated in due course however please do not hesitate to contact me should you wish to clarify any matters or require any further information.

Yours faithfully



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