



Appeal Decision

Site Visit made on 27 April 2021

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/C3105/W/20/3263029

Brooklands, Church Street, Bodicote, Oxfordshire, OX15 4DR

- 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 Rowland Bratt against the decision of Cherwell District Council.
 - The application Ref 20/00841/F, dated 13 March 2020, was refused by notice dated 6 June 2020.
 - The development proposed is the erection of garage adjacent to approved dwelling and change of use of agricultural land to residential use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal site comprises an area of land around a building that is currently being converted to residential use. The site is positioned centrally within a field, with an access track leading from the adjacent road. Ground levels rise to the north, towards the built-up area of Bodicote, while to the south levels fall before rising once more to elevated ground.
4. The appeal scheme seeks to introduce a single storey garage building to the north west of the dwelling, with a parking area provided to its front. Rather than being somewhat divorced from the dwelling, I find that it would share a close physical and visual relationship with it and for the most part would be viewed as such. The affinity between the two buildings would be reinforced by the use of matching materials. While I note the Council's concern over the commercial appearance of the proposal, given that the dwelling itself is formed from a converted building, this appearance would in my view be acceptable and would not be at odds with the character of the site and its surroundings.
5. The garage would comprise of five bays, two set aside for the storage of machinery for management of the surrounding land, and three for the parking of domestic vehicles. I note that it is somewhat larger than that which may ordinarily be associated with a dwelling, nonetheless the scale of the building would be subservient to what is a substantial dwelling. Moreover, the height of the garage would sit well below the dwellings' overall height.
6. I acknowledge that the existing structure at the site is visible from vantage points in the surrounding area; this would also be the case for the proposed garage. However, its visual presence would be mitigated by its close relationship to the dwelling, the use of the matching materials providing visual cohesion to the

appearance of the two buildings, as well as most significantly by the rising ground levels to the north of the site. It is against this increase in ground level which the development would be seen from the majority of views. From views from the east the converted building would screen the majority of views and from the south, from elevated ground, the garage would nestle into the ground levels of the site and the surrounding land. In this context, the building would appear as a subservient element, one which assimilates with the appearance of, and would appear significantly less prominent than, the main dwelling.

7. I note that an area of hardstanding is included within the scheme, including a driveway and parking area to the front of the garage. Given that these features would be at ground level there would be little resultant visual effect from their construction. While there would be some effect from vehicles using these features, this would not protrude substantially into the countryside. Furthermore, I find that the extent of the hardstanding itself would not be excessive, in light of the scale of the permitted property.
8. In isolation therefore, I find that the appeal scheme would not be harmful. However, I am particularly conscious that since the time of the refusal of the planning application, a further scheme has been submitted and has been granted planning permission by the Council for the erection of the same garage in a different position, i.e. further to the south in front of the dwelling itself. This is a matter to which I must have regard. The two garages would occupy discrete positions within the site and thus could both be constructed independently. This would lead to an increased quantum of built development at the site and result in visual clutter, harming the rural character of the location. I am conscious that the appellant highlights a willingness for the subsequently granted planning permission to be revoked. However, a planning permission can only be revoked following a specific process, which I am not aware has been undertaken. Furthermore, I am not satisfied that a planning condition could be used to prevent implementation of the already approved scheme.
9. In this case therefore, given that the appeal scheme could lead to the potential for the harmful proliferation of buildings at the site, I must find that it would result in a detrimental effect on the character and appearance of the area. Thus, it conflicts with saved policy C28 of the Cherwell Local Plan (adopted November 1996) and policies ESD13 and ESD15 of the Cherwell Local Plan – Part 1 (adopted 20 July 2015). Together, and amongst other things, these policies seek to ensure development is sympathetic to the rural context, that development respects landscape character and that proposals reinforce local distinctiveness.

Other Matters

10. I note the inclusion of net ecological gains within the appeal scheme however these are insufficient to outweigh the harm that would result from the potential implementation of two approved schemes.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR