



## Appeal Decision

Hearing held on 4 October 2022

Site visit made on 4 October 2022

**by Alison Scott (BA Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 October 2022**

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**Appeal Ref: APP/C3105/W/22/3295704**

**The Pheasant Pluckers Inn, Street through Burdrop, Banbury, OX15 5RQ**

- 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 Geoffrey Richard Noquet against the decision of Cherwell District Council.
  - The application Ref 21/04166/F, dated 14 December 2021, was refused by notice dated 21 February 2022.
  - The development proposed is to re-position and amend the structure of the previously allowed 3 bedroom building.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for an award of costs has been made by the appellant and is the subject of a separate decision letter.

### Preliminary and Procedural Matters

3. The appellant's planning statement explains that they are seeking a material change to the scheme they were granted approval at appeal under appeal decision APP/C3105/W/16/3165654 for a holiday let at the site that has since been implemented<sup>1</sup>. In light of the Appellant's description of the proposal as per their description within their planning statement and is 'intended to replace what was previously granted permission', I sought clarification from the appellant at the Hearing on the matter. They confirmed their intention was not to carry out further works to build the approved holiday let in favour of permission for the proposal before me, should this be a positive outcome.
4. Following on from this, I note their commitment to discontinue the works to the extant permission and their agreement to enter into a legal obligation to prevent any further works from occurring. However, no formal undertaking has been presented to me by them. The appellant has suggested a planning condition could be imposed as a mechanism. Whilst I am mindful of paragraph 56 of the National Planning Policy Framework (the Framework), without being presented with further evidence that a planning condition could be used appropriately, I can therefore not consider the imposition of a planning condition as a mechanism to cease further works to the extant permission.

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<sup>11</sup> Application Reference 16/02030/F The erection of a single storey building providing three en suite letting rooms.

Therefore, I have proceeded on the basis that an extant permission remains in place.

5. There was discussion at the Hearing relating to the end use of the proposal as a short-term holiday let or a medium-term residential rental. Given the description of the proposal before me and the extant holiday let permission, and following our discussions on the matter, I have proceeded on the basis that the proposal would constitute a short-term holiday let.
6. The appellant confirmed the red line plan of the site included the complete boundary of their site to the watercourse with the proposed building having no defined curtilage of its own.
7. The site address given on the application form is different to that on the appeal form. I have used the address on the application form, as from the evidence before me this appears to be the most accurate.
8. A signed Statement of Common Ground (SoCG) was submitted by the parties at the Hearing. This did not vary from the draft SoCG I had previously been given sight of by the Council.

### **Main Issue**

9. The main issue is whether or not the proposal for a new building would preserve or enhance the character or appearance of the Sibford Ferris, Sibford Gower and Burdrop Conservation Area (CA), and whether or not it would have an adverse effect upon the setting of a non-designated heritage asset.

### **Reasons**

10. Three settlements of Sibford Ferris, Sibford Gower and Burdrop, known as Sibford Villages, make up one conservation area. The significance of the CA derives from its rural farming origins with converted barn buildings and original farmhouses. The intervisibility between settlements within a countryside setting, narrow roads and green spaces, all contribute to its distinctiveness. There is a cohesiveness to buildings at Burdrop through the use of simple architectural vernacular of predominantly ironstone material of an agricultural aesthetic. Listed buildings and non-designated heritage assets also make up the historic environment.
11. With particular regard to the settlement of Burdrop, the traditional farming characteristics are visible. The high-pitched roofs to buildings, building line position set hard against narrow roads through the settlement, dramatic undulating land levels and the countryside vista it is experienced within combine as a characterful environment. A steep village green in front of the appeal site has been intersected by hard surfaces but nonetheless contributes positively to the locale. There are limited views towards the Sibford Valley from within Burdrop. The wide gap that exists between buildings at the appeal site allows this to be exposed and is a significant part of the character of the CA.
12. The Pheasant Pluckers public house and small holiday let, a former bottle store building, are closely associated with one another, with a courtyard area enclosed by high stone walls and double vehicular access gates to the road. Groundworks to erect the approved holiday let are evident within the courtyard area although the appellant confirms that no further works continued due to

- the Coronavirus pandemic. This courtyard space is currently used for informal parking for both the holiday let business and the public house.
13. The proposed building would be erected to the side of the vehicular access gates into the courtyard closest to the listed thatched building of Barn Close. I note the appellant's intentions for the proposal to replicate a typical barn-style building. They explained at the Hearing that they have taken design cues from Barn Close.
  14. I could see that incorporating the random stone from the existing perimeter wall into the new build would follow similar developments located within close range. The stepped ridgeline would correspond with the adjacent buildings as land levels fall down the hill towards Hawk's Lane. Both parties agree that the use of stone wall and roof that would form the elevation to the street scene would be appropriate. I have no reason to disagree with this finding.
  15. The site would most spatially relate to Barn Close, with its dwellinghouse that appears as the original farmhouse. I could see from my visit to the appeal site that the original dwelling of Barn Close has a return part to the rear of the main house with a lower ridge line to the host building that creates a sense of subservience when compared to the main part of the building. The adjacent thatched barn, despite habitable conversion, retains the characteristics of an agricultural barn with limited modern intervention. Its differing proportions of high-pitched roof-to-stone wall to the road elevation, are distinguishing features.
  16. The proposal would be considerably smaller in scale and mass to those habitable buildings at Barn Close. The proposal in a broadly speaking 'L' shape, would take on the characteristics of a squat form of development. Its discordant appearance would be made more severe by the ridgeline height that would continue throughout. It would not successfully relate to a typical barn style dwelling made more incongruous when viewed in the context of the adjacent barn. Furthermore, the appellant's use of photographs of example sites are limited as comparisons as I have been provided with no background information or context to them. In any case, I have considered it within its individual context.
  17. Its poor design articulation would be further heightened by the uncharacteristically wide dormer windows proposed to the roof plane. Dormer windows are evident to the farmhouse at Barn Close. Nevertheless, these are proportionate to the size of the roof and appear subservient in character.
  18. There would be shielding properties of the return element of the proposal from Barn Close when viewed from the unnamed road as the curve of the road sweeps and the road falls towards Hawk's Lane. However, some of the most perceptive views of the return would be experienced from higher ground from the green in front. The stone boundary wall would not entirely shield it from view, with the extended high ridge line of the return element evident. Lowering the vehicular gates would make this view more apparent.
  19. Furthermore, in views from Hawk's Lane in short, and medium range views towards the site, as the land falls steeply to this road below, there is a looser grain of development, and the openness of the site is revealed here. The undeveloped green adds to this openness. The building would be much more perceptible when viewed from here.

20. This scheme would be smaller in width to that of the extant permission. However, that scheme provides very basic functions. Even if I were to agree with the appellant that the proposal would be comparable in size, the extant scheme is more akin to the modest proportions of a stable building. The scheme before me would be of very different design characteristics and a very different shape. It would appear much more domestic in character than a traditional barn-style building. I find it would not amount to betterment within the street scene but instead adversely at odds with local character.
21. I have seen the historic images that depict a barn on the site and other cottages, taken some time ago. These buildings have since been removed. I apply limited weight to their value to support the appeal scheme as they are not currently in place and do not demonstrate a sufficiently comparable scheme to that before me.
22. Overall, its design represents poor design articulation. It would not acceptably resemble a typical agricultural building. It would thus adversely compromise Burdrop's historical integrity.
23. The pub premises lies within the setting of a number of Grade II Listed Buildings. Therefore, special regard should be given to the desirability of preserving their setting as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. With regards to the statutorily listed buildings, I have not been provided with any evidence of any harm to the special architectural and historic interest of the buildings. Therefore, I do not consider the development would have a perceptible impact upon the significance of these listed buildings.
25. In terms of the setting of the non-designated heritage asset, that of the public house, I find it would have a limited effect, but nonetheless a harmful one to the setting of the heritage asset. This is because the whole of the proposed building would be experienced within its setting.
26. Turning to the matter of parking provision, the internal courtyard is not formally laid out and the proposal would remove a small portion of car parking to accommodate the scheme. The appellant confirmed at the Hearing that despite the identification of car parking to the highway verge, they are not seeking to provide spaces outside the site.
27. I note the Highway's Authority raise no concerns with respect of highway safety arising from the proposal although displaced parking from the scheme to the grass verge is a concern to the Council. There is no evidence of the Council putting in place measures to prevent parking from occurring here at any time. Therefore, to my mind, parking on these verges could occur irrespective of whether or not the proposed holiday let was in place. I apply substantial weight to this.
28. Turning to the issue of spaces between buildings, the setting of Burdrop is one of a countryside landscape vista of fields and trees. Original groups of buildings have been constructed in tight clusters in Burdrop that only allows for closed views. There is a wide undeveloped gap between the holiday let building and Barn Close, and despite the stone wall and vehicular gates, views across the Sibford Gap are nonetheless clearly experienced. In longer range views, there is intervisibility from the public realm to the next settlement, also set amongst

a verdant environment. The importance of these gaps is acknowledged within Policy C33 of the Cherwell Local Plan 1996 and the emphasis on respecting and retaining these important views.

29. The value of this gap was recognised by the previous Inspector and the effect of the extant permission on the gap was considered by them to have no adverse effect. However, from my assessment of the facts on the ground, erecting two buildings in this location would have a discernible effect on public views by closing the gap further that, as the appellant points out, is already compromised by the conifer tree.
30. Lowering the height of the access gates or part of the existing wall would not mitigate the harm. These gaps are a significant contribution to the character of the CA. Therefore, the proposal would fail to preserve or enhance the character or appearance of the CA.
31. As the appeal property sits within a conservation area, any development must be considered within the context of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
32. Paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. This harm would be 'less than substantial' and in accordance with paragraph 202 of the Framework, the public benefits must be balanced against any harm found.
33. Any financial rewards to the appellant as a consequence of the scheme would be a private benefit. I note the sustainability credentials the building would be built to, job opportunities that would arise through short-term construction, and employment potential its use would bring, as well as potential support to local businesses. However, these would be small scale in the wider context. The popularity of the tourism industry and staycations is a public benefit of this type of business. However, I am not of the view that this scheme would make such an impact to this industry to be of a discernible benefit.
34. If considering this proposal in isolation without the extant permission, it would likely reduce car numbers to the site although it would not be likely to make a perceptible difference. There is nothing before me to identify that the building would reduce noise levels from the car park to count as a public benefit. Although there is nothing to prevent the appellant from lowering the height of the vehicular gates and walls at any time, the Sibford Valley is already seen above them from the public vantage.
35. Overall, I consider that there would be greater adverse effect by erecting the proposed building in this location to the historic environment. Therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
36. In other considerations pointed to me by the appellant, I appreciate there will have been an adverse effect of the coronavirus pandemic on their business and

their desire to diversify. However, that is not to say that the proposal before me is the only solution to improve their situation. In any case, no viability appraisal has been submitted with the proposal for me to take into account as part of my assessment.

37. To conclude, the development would therefore be contrary to the design aims and heritage protection objectives of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 2015, and saved policies C28, C30 and C33 of the Cherwell Local Plan 1996. It would also not conserve and enhance the historic environment in accordance with the National Planning Policy Framework.

### **Other Matters**

38. I have been made aware by the appellant of their complaints regarding the Council's service and content of objector's representations. However, this is not within my scope to comment upon, or that their existing business is not locally supported.

### **Conclusion**

39. To conclude, the proposal would thus lead to conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR

## **APPEARANCES**

FOR THE APPELLANT:

Mr & Mrs Noquet

FOR THE LOCAL PLANNING AUTHORITY:

Mr W Campbell

Planning Officer

Mrs J Ballinger

Former Senior Conservation Officer

Mr M Swinford

Appeals Administrator