

## Appeal Decision

Site visit made on 30 March 2017

by **H Butcher BSc (Hons) MSc MRTPI**

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

Decision date: 17 May 2017

---

**Appeal Ref: APP/C3105/W/16/3165654**

**The Pheasant Pluckers Inn, Street Through Burdrop, Burdrop, 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 16/02030/F, dated 7 October 2016, was refused by notice dated 16 December 2016.
  - The development proposed is the erection of a single storey building providing three en suite letting rooms.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey building providing three en suite letting rooms at The Pheasant Pluckers Inn, Street Through Burdrop, Burdrop, OX15 5RQ, in accordance with the terms of the application, Ref 16/02030/F, dated 7 October 2016, subject to the conditions in the schedule at the end of this decision.

### Preliminary Matters

2. The description of development given on the application form simply states: "Please see attached". From the attached information it is clear that the development proposed is the erection of a single storey building providing three en suite letting rooms, and this is the description used by the Council, and later by the appellant on the appeal form. I have therefore used this in the banner heading and in my formal decision above, and it is on this basis that I have considered the appeal.
  3. The appellant appealed for the reason that the Council failed to give notice of its decision within the appropriate period on an application for planning permission. The appeal was lodged on 19 December 2016. However, the Council issued a decision notice refusing planning prior to this on 16 December 2016. The appeal is therefore against the local planning authority's refusal of planning permission.
  4. 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.
-

## **Main Issues**

5. The main issues are the effect of the development on the character and appearance of the street scene and whether it would preserve or enhance the character or appearance of the Sibford and Burdrop Conservation Area.

## **Reasons**

6. The Pheasant Pluckers Inn is a public house (PH) located on the edge of Burdrop, which is a small settlement. Beyond the PH the land drops away into a rural valley known as the Sibford Gap which provides an attractive backdrop to Burdrop. The PH also falls within the Sibford and Burdrop Conservation Area (CA) which includes traditional stone cottages and buildings, some of which are Listed, and old stone walls. These give the area a distinctive architectural vernacular. The PH is of some age and also constructed from stone and the front boundary of the carpark is marked by a traditional stone wall. The PH therefore makes a positive contribution to the character and appearance of the CA. This is reflected by its designation as a Locally Listed Building in the Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal.
7. The PH has an extensive pub garden, a carpark, and, attached to the PH, what was formally a bottle store has been converted to a one bedroom property which is used for short-term holiday lets. The appeal site is a rectangular piece of land on the edge of the car park adjacent to the road and the converted bottle store. Here it is proposed to erect a low, single storey building to provide a further three en suite holiday letting rooms for use in conjunction with the PH.
8. Given the slope of the land, which falls away to the valley to the south, the proposed single storey building would sit on higher land than the PH. However, on the other side of the car park is a single storey stone construction building with a thatched roof which forms part of Barn Close which is at a similar level to that of the proposed building. Furthermore, two storey houses across from a small public green to the front of the car park sit on even higher ground. Therefore, although the proposed building would sit on higher ground than the PH it would not look particularly prominent or intrusive given its single storey nature and that in the immediate street scene variations in building levels are commonplace.
9. Views of the Sibford Gap across the carpark of the PH are currently possible from the green mentioned above, the adjacent roads and neighbouring properties. These views would be largely retained, firstly, as a good sized gap between the proposed single storey building and Barn Close would be maintained and secondly because the building would, in the main, be viewed against the backdrop of the PH. Thirdly, the elevated position of the adjacent roads and buildings in relation to the appeal site, combined with the single storey form of the proposed building, would mean any reduction in view would not be significant nor would it cause harm.
10. There is nothing before me to lead me to conclude that the proposed building would appear as anything other than an ancillary building to the PH as it would be single storey and sited clearly within the PH's curtilage. It would simply appear as a continuation of the ad-hoc nature of ancillary style buildings which currently exist around the PH, such as the converted bottle store. Neither would it close the gap between the PH and neighbouring buildings in a harmful

- way. The PH would still appear as a building on the edge of Burdrop slightly separate from the rest of the village.
11. The Council raised concern regarding the openings in the proposed building and I note revised elevations have been submitted, presumably to overcome this. These show only minor changes to the fenestration and are something which could be sought by means of a condition. No party would therefore be prejudiced by my considering this appeal on the basis of the amended plans.
  12. On the street side three small slit openings are proposed in an otherwise blank elevation which would give it the appearance of a barn. This would fit with other traditional buildings in the area. There is a discrepancy between the revised floor plan and the revised elevations as to the exact position of these three openings but I find no harm with either and more detail in respect of these can be secured by condition. On the elevation facing into the car park would be doors and window openings evenly spaced, not unlike the arrangement found on a stables, which would not look inappropriate on an ancillary type building. In terms of the materials proposed the building would be constructed of local stone and would have a slate roof which would fit with the architectural vernacular of the area. I therefore find the appearance of the building to be acceptable.
  13. Taking the above points together I find no harm to the character or appearance of the street scene as a result of the proposed building. It follows therefore that it would preserve the character and appearance of the Sibford and Burdrop Conservation Area. Consequently I find no conflict with Policy ESD15 of The Cherwell Local Plan 2011-2031 Part 1 (2015) or saved Policies C28, C30 and C33 of the Cherwell Local Plan (1996). These policies, broadly speaking, require new development to conserve the character of the built and historic environment.

*Other matters*

14. Both the Council and the appellant are in broad agreement that the holiday lets would bring in additional income and business for the PH and as such would assist with its viability. In my experience, such an approach is not unusual in this industry. This therefore weighs in favour of the proposal, particularly in light of the designation of the PH as an Asset of Community Value. That is not to say it could not be viable without. However, I have not been made aware of any local policy requirement to justify the proposed development in terms of the viability of the PH. Furthermore the National Planning Policy Framework promotes the retention of public houses, which the proposal would help to do.
15. I have considered the impact of the development on the settings of nearby Listed buildings which, although not included in the reason for refusal, has been identified as a matter of concern by the Council. However, given the distances involved and my findings above in respect of the main issues in this appeal I find no harm.
16. The appeal site has a long history of planning and enforcement, which includes the unauthorised use of the PH as a dwellinghouse. From the evidence before me and from what I saw on my site visit the PH is currently operating as such, albeit with only limited opening hours. Notwithstanding this, any concerns in respect of the current use of the PH would be a separate matter for enforcement.

17. It has been suggested that an award of costs should be made to the Council and third parties due to the number of past planning applications and appeals associated with the site. I have not received an application for costs from either of the main parties. Regardless of this, I do have the power to initiate an award of costs. However, as set out in the National Planning Practice Guidance costs may only be awarded against a party who has behaved unreasonably and thereby caused another party unnecessary or wasted expense in the appeal process. There is nothing before me to suggest that there has been any unreasonable behaviour during this appeal that would warrant such an award. It is not necessary, therefore, for me to take this matter any further.
18. A number of third parties refer to the appeal site and the immediate surrounding area as falling within a designated Area of Outstanding Natural Beauty (AONB) but I find this not to be the case as no reference to an AONB is made by the Council. I find no reason to conclude that the proposed letting rooms, which would each contain a bedroom and an en suite shower/WC, would not be fit for purpose. The fact that there is alternative bed and breakfast accommodation in the area would not be a reason to dismiss this appeal. Any accusations of intimidating or threatening behaviour between the appellant and local residents would be a criminal matter between the parties involved.

### **Conditions and Conclusion**

19. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition I have included a plans condition as this provides certainty. To ensure a satisfactory appearance I have also included conditions concerning the materials to be used, details of the doors and windows, and the colour of rainwater goods. However, it is not necessary for these conditions to be pre commencement. Nor is it necessary to seek revised elevations as the plans on which I have considered this appeal I have found to be satisfactory.
20. A large area of carpark would be retained which I am satisfied would provide sufficient parking and I note the Council's highway officers raised no objection in this respect. However, the car park is not currently formally laid out. I have therefore included a condition requiring details of the car park layout, construction, and drainage to be submitted for approval to ensure there is a safe and satisfactory arrangement for parking and manoeuvring on site for patrons of the PH.
21. Finally conditions restricting the use of the building to that of short-term holiday lets only, to be used in conjunction with the PH, are necessary both to protect the character and appearance of the area and to promote the retention of the PH.
22. Subject to the above conditions, and having had regard to all matters raised, the appeal is allowed.

*Hayley Butcher*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Land Registry Plan, Block Plan, Revised Elevations, Revised Floor Plan, North Elevation/East Elevation, South Elevation/West Elevation.
- 3) Before any above ground development hereby permitted is commenced a sample of the Welsh Slate to be used in the construction of the roof of the building hereby permitted will have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved sample.
- 4) Before any above ground development hereby permitted is commenced a stone sample panel (minimum 1m<sup>2</sup> in size) will have been constructed on site, in natural stone using lime mortar, and will have been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed and pointed in accordance with the approved stone sample panel.
- 5) Before any above ground development hereby permitted is commenced full details of all of the doors and windows at a scale of 1:20 including a cross section, cill, lintel and recess detail, and colour/finish, will have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 6) All rainwater goods used on the building hereby permitted shall be traditionally cast iron or metal painted black and permanently retained as such thereafter.
- 7) Prior to the first use/occupation of the building hereby permitted the parking and manoeuvring areas shall be laid out in accordance with full specification details (including construction, layout, surfacing and drainage) which shall have been approved in writing by the Local Planning Authority. These areas shall be retained as approved unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 8) The building hereby permitted shall be used for short-term holiday lets only and shall not be let or occupied by any person, or connected group of persons, for more than 28 days on any one calendar year. A register of occupier(s) including their name(s) and the dates of their arrival and departure shall be kept for each unit and made available for inspection by the Local Planning Authority at all reasonable times.
- 9) The building hereby permitted shall remain ancillary to the property currently known as the Pheasant Pluckers Inn (formerly Bishops Blaize/Bishops End) and shall not be sold, leased or used as an independent dwelling unit.