



Appeal Decision

Site visit made on 20 November 2023

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 30 November 2023

Appeal Ref: APP/D3125/C/22/3302787

Olive Branch, 66 Corn Street, WITNEY, OX28 6BS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Dilbani Ghassan against an enforcement notice issued by West Oxfordshire District Council.
 - The notice, numbered 2022/17, was issued on 8 June 2022.
 - The breach of planning control as alleged in the notice is erection of an unauthorised outbuilding to the rear of 66 Corn Street, Witney.
 - The requirements of the notice are to: Permanently remove in its entirety the building from the land including the resultant materials following deconstruction.
 - The period for compliance with the requirement is: 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. Following a visit from the Council in 2021 a retrospective application for a summerhouse was made and refused because of harm to the conservation area and the setting of a grade II listed building (No 66 itself). The enforcement notice follows this refusal.

Main Issue

3. The relevant policies from the development plan are OS4, which requires a high quality of design that respects the historic character of its surroundings; EH10 that requires development within conservation areas to conserve or enhance their character and appearance and EH11 which requires the same for development within the setting of a listed building. The impact of the structure on these policies is therefore the main issue in this appeal.

Reasons

4. Although No66 is a pizza restaurant it is housed in a listed building. It also stands in Corn Street which lies within the Witney and Cogges conservation area and itself is studded with listed buildings. Some are shops and restaurants others are houses. The street is wide and tree lined and is an attractive and important part of the conservation area. The rear of the building is however rather more utilitarian, containing a temporary looking extension to No66 itself. Nevertheless, the outbuilding is a large and dominant structure

that occupies most of the width of the rear garden. It is constructed of basic materials in a simple rectangular box design and bears no resemblance to a summer house that the appellant claims it to be.

5. Internally it is subdivided into rooms and contains a kitchen and bathroom, and has the appearance of a small dwelling. When I visited it was set up as a house, with the three other rooms all occupied as bedrooms. However, the notice is not directed against the residential use but the structure itself. The building completely fails to address the listed building, which is a mid-18th century dwelling built of Cotswold stone, and looks wholly out of place. Although not visible from any public places, the rear garden area is overlooked from many houses and buildings nearby. There is clear harm to the setting of the listed building albeit less than substantial. No public benefits have been identified. If the appellant wants a summerhouse or office for his business, he will need to apply for consent in the usual way for a properly designed and subservient building.

The appeals on grounds (c) and (f)

6. No real argument has been made for the ground (c) other than that there was a shed there before the current structure was built. However, that does not mean the current structure has planning permission. The old shed has gone and the new one represents a new act of development.
7. As for ground (f), the shed is badly designed and wholly out of place. The only sensible remedy is to demolish it.

Simon Hand MA

INSPECTOR