

Appeal Decision

Site visit made on 27 April 2021 by A J Sutton BA (Hons) DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/D3125/W/21/3266576

The Sidings, Station Road, Kingham

- 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 D Griffin against the decision of West Oxfordshire District Council.
 - The application Ref 20/01104/FUL, dated 1 May 2020, was refused by notice dated 14 August 2020.
 - The development proposed is change of use of existing hardstanding to commercial use for the parking of vehicles in connection with a small haulage business.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr D Griffin against West Oxfordshire District Council. This application is the subject of a separate Decision.

Main Issues

4. The Council's statement has drawn my attention to a comprehensive list of local plan policies and matters, including the planning history of the adjacent site that on review of the evidence before me, are not issues of dispute between the parties.
5. The main issues in this case, are:
 - whether the appeal site is a suitable location for the proposed use having regard to the development strategy for the area;
 - the proposal's effect on the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty (AONB); and
 - whether the personal circumstances of the appellant outweigh any harm in respect of the proposed development.

Reasons for Recommendation

6. The appeal site is an area of open land, which comprises a hardstanding, to the rear of existing units, adjacent an elevated stretch of railway. It is located outside of the settlement of Kingham, within the countryside and within the Cotswolds AONB. The premises immediately to the north of the site comprise a pitched roof building which has permission for a workshop and storage, and, closer to Station Road are a number of other units, and parking areas for both cars and larger vehicles including, the nearby removals company.
7. The surrounding area is agricultural in character with the fields to the east rising up from the railway, and largely level ground to the west and south. There are a number of mature trees beyond the appeal site to the south.

Location

8. Policy OS2 of the West Oxfordshire Local Plan 2031 (Local Plan) establishes the development strategy for the area and seeks to limit development in the countryside to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area.
9. The appellant seeks to park two trucks and three trailers on the site which are associated with his haulage business. They are currently parked near Stow on the Wold (and not Stowe as stated in his planning statement).
10. Although the appeal site is located at the end of the access road to the employment units, limited information has been provided to demonstrate why the parking of vehicles as proposed requires this rural location. I note the submissions put forward that the appellant considers that his existing premises is unsuitable, but this matter has not been substantiated.
11. Furthermore, whilst the adjoining workshop would allow the appellant to keep warm and have access to accessible facilities, this building does not have planning permission to support the appellant's business nor does the proposal before me include this building as part of the proposal.
12. Moreover, in the absence of evidence to demonstrate otherwise there is likely to be a high probability that the proposal could be accommodated in a town or village in accordance with the Council's location strategy, which would also suit the appellant's needs.
13. Accordingly, and in the absence of evidence to indicate otherwise, I find that there is insufficient evidence before me to demonstrate that there is a requirement for the proposed use to be located in this location. I conclude therefore that the appeal site is not a suitable location for the proposal because of the conflict with Policy OS2 of the Local Plan.
14. My attention has been drawn to Policy E2 of the Local Plan which is generally consistent with Paragraphs 83 and 84 of the National Planning Policy Framework (Framework) in respect to supporting a prosperous rural economy. However, the appeal site is located somewhat from the built edges of Kingham, divided by road, rails and farmland and as such would not satisfy the requirements of Policy E2 in respect to being in or adjacent to a village. Therefore, this policy is not relevant in this case.

AONB

15. The appeal site is in the Upper Evenlode Valley landscape character area of the AONB, at the convergence of two distinct landscape character types considered highly sensitive to development. However, the appeal site is closely related to and is seen in the context of existing development which adjoins the railway line. Parked vehicles, including large vehicles associated with the nearby removal company, are a characteristic of the immediate locality, and, the proposed trucks and trailers would not appear out of place given the above matters. Being located on an area of hardstanding the proposal would not encroach into surrounding farmland in the open valley side, and, would be closely integrated with existing buildings in the semi-enclosed clay wold landscape. Therefore, it would not materially alter the scenic beauty of the area.
16. While the wider area has an open expansive character, the buildings and vehicles on this small commercial site accessed off Station Road are a feature of the AONB which are visible from several footpaths in the locality and from trains travelling along the railway. The parking of vehicles as proposed would be closely related to these features. The vehicles would not be alien additions in this location and would not urbanise the locality as suggested by the Council. Moreover, whilst acknowledging that the hardstanding is located at the end of the run of buildings, landscaping could be secured within close proximity of the hardstanding to provide screening to the area which would serve to mitigate the visual impact of parked vehicles and would enhance the immediate environment.
17. The pattern of development adjacent to the appeal site has changed significantly since the Inspector's decisions in 2007¹, most notably the addition of removal company's premises. Therefore, the circumstances which informed his conclusions, regarding the effect of a proposal similar to this on the AONB, were distinctly different from those relating to this appeal, and therefore I attach limited weight to this matter in this case.
18. Therefore, I conclude that the proposal would not be harmful to the landscape and scenic beauty of the Cotswold AONB and in this regard the proposal complies with the landscape character and AONB objectives of Local Plan Policies OS2, EH1 and EH2. Moreover, there would be no conflict with the aims of the West Oxfordshire Landscape Assessment which, amongst other matters requires the landscape character of the area to be conserved and strengthened.
19. It would also not be contrary to policies of the Framework in respect to conserving and enhancing the landscape and scenic beauty of the AONB.

Personal Circumstances

20. In my assessment of this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability is a relevant protected characteristic to which the PSED applies. In reaching this recommendation, I have kept these interests at the

¹ Appeal Ref APP/D3125/C/06/2033894 and APP/D3125/A/07/2034816

forefront of my mind. The level of regard appropriate will depend on the importance of the decision for the lives of persons with the protected characteristic. The principle of proportionality therefore applies.

21. I have carefully considered the submissions in respect of the specific needs of the appellant to keep warm and dry whilst waiting for drivers to return the vehicles to the site and its level nature and accessible gates. However, the workshop that the appellant would be occupying does not form part of the appeal proposal and I have not been presented with evidence that it could be used to support his business in the way suggested. Moreover, there is no substantive evidence that there are no other sites which would be suitable to accommodate the proposed use. This matter weighs against the appeal proposal.
22. If planning permission were to be refused, on the evidence before me the appellant would continue to operate his business from alternative premises. Therefore, having regard to well-established planning policy aims insofar as restricting development in the open countryside, a refusal of planning permission would be proportionate and necessary and for the reasons set out, the effect of dismissing the appeal would not have a disproportionate impact on the appellant with a protected characteristic. As a consequence, the needs highlighted under the PSED would not outweigh the harm identified in respect to the conflict with the location strategy of the development plan.

Other Matters

23. The proposal would be a relocation of an existing small business and as such the social and economic benefits to the district would be limited. It would use previously developed land and the removal of clutter from the site and landscaping scheme would be an enhancement and therefore a benefit from the proposal. The benefits identified would be small given the scale of the development and they would be insufficient to outweigh the conflict with the development plan's location strategy.
24. No objection was raised by the Parish Council or any third parties, however the absence of concerns is a neutral factor which neither weighs in favour or against the proposal.
25. The planning permission² for the adjacent premises predates the current Local Plan and the policies context differed from the case before me. The officer concluded that development to be contrary to now replaced local plan policy E3 which guided the location of employment sites, however material considerations outweighed that conflict. I have found conflict with the location policies of the current Local Plan in this case and have not identified material considerations which would outweigh this. The proposal is different in these respects to the adjacent development, and accordingly the matter has limited weight in this appeal.

² Ref Planning Permission 15/01274/FUL

Conclusion and Recommendation

26. There are no material considerations, including the Framework or the limited benefits of the proposal, that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR