



Appeal Decision

Site visit made on 18 March 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/V3120/W/21/3286082

Agricultural Field, Newbury Road (A4185), Harwell, Didcot OX11 0PB

- 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 W H Powell & Son against the decision of Vale of White Horse District Council.
 - The application Ref P21/V0511/FUL, dated 17 February 2021, was refused by notice dated 10 May 2021.
 - The development proposed is a change of use of field margin of agricultural field to enable use as a dog exercise field.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the Council's decision notice, as no street address was included on the application form.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.
4. The appeal site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty, and section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding countryside, having particular regard to its location within the AONB;
 - whether the proposal is a form of rural diversification or recreation which is supported by development plan policy; and
 - whether the proposal would represent sustainable development, with particular regard to its location.

Reasons

Character and Appearance

6. The appeal site comprises part of a large agricultural field on the eastern side of Newbury Road, just south of the settlements of Rowstock and Harwell. The site is bordered by low level hedgerow along its western boundary with the road, which is commensurate with its prevailing rural character. Save for some discreet low-level fencing which borders the opposite side of the road, there is very little built form in the vicinity of the site, which means the surrounding landscape is broadly open and uninterrupted. Moreover, the flat topography of the land in this area allows sweeping views of the verdant countryside in and around the appeal site, which contributes positively to the natural beauty of the wider AONB.
7. The proposed development would introduce fencing approximately 2 metres tall around the full perimeter of the appeal site. Owing to its height, the fence would be much taller than any other nearby fencing or hedgerow, and would therefore appear very prominent within its open setting. Given the lack of other built form in and around the appeal site, the introduction of the field shelter would also jar with the uninterrupted landscape, further exacerbating this visual impact. Both would interrupt the sweeping views which contribute so positively to the openness and natural beauty of the AONB, thereby harming its overriding character.
8. To facilitate safe access to and from the development, approximately 20 metres of the existing hedgerow would need to be removed. In itself, the loss of such an extensive section of hedgerow would detract from the verdancy of the site, and in turn the natural beauty of the wider landscape. Moreover, the loss of hedgerow would mean the proposed car parking spaces would be readily apparent when travelling along Newbury Road. This would lead to an urbanising effect within the appeal site, which would again appear discordant with the prevailing open and green character of the site. In turn, this would undermine the natural and scenic beauty of the AONB.
9. For these reasons, the development would harm the open character of the surrounding rural landscape, and would therefore fail to conserve or enhance the natural beauty of the AONB. It would conflict with Policies CP37 and CP44 of the Council's Local Plan 2031 (Part 1), which together require new development to properly integrate with its surroundings, noting that key features which contribute to the quality of a landscape, including hedgerows, should be protected from harmful development. The development would also conflict with the Framework, which is explicit that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
10. I am satisfied that the development could make adequate provision for refuse and recycling (which could be achieved via condition). As such, I find no conflict with Policy DP28 of the Council's Local Plan 2031 (Part 2). Nonetheless, this would not outweigh the overriding visual harm to the wider landscape, as outlined above.

Rural Diversification and Leisure Facilities

11. Policy DP12 of the Council's Local Plan 2031 (Part 2) supports rural diversification, provided it is ancillary and related to an existing rural

enterprise. Although I agree the proposed dog walking facility would be ancillary to the appellant's wider farm business, unfortunately I do not consider that it would be sufficiently related for it to fall within the remit of this policy. Indeed, whilst the development would help supplement the appellant's farm income, this in itself would not be sufficient to demonstrate a clear relationship. In particular, the appeal site is located a significant distance away from the main farm buildings, which means the proposal would lack any physical integration to the built elements of the farm. This means there would be no clear functional link between the two. Instead, the development would appear as a standalone facility in its own right, which is not meaningfully related to the farm business.

12. In terms of Policy DP35 of the Local Plan 2031 (Part 2), this also supports small-scale countryside recreation facilities, provided they would not harm the North Wessex Downs AONB or its setting. As I have already concluded that the development would harm the AONB, this again means that the development would fall outside of the scope of this policy.
13. The development therefore cannot draw support from Policies DP12 or DP35 of the Local Plan 2031 (Part 2), which concern rural diversification and leisure development within the countryside. Whilst the Framework does promote the diversification of agricultural business, this should not be at the expense of the protection of natural beauty within an AONB.

Sustainable Development

14. Whilst there are good footpath links to the site, the consultation responses indicate substantial support for the proposal from residents of Didcot. Given the distance between the two, it is unlikely that these users would access the site on foot. In turn, a large proportion of the proposal's users would likely be reliant on private vehicles to access the site, given the lack of available or feasible public transport options nearby.
15. As a result, the development would conflict with Policy CP35 of the Local Plan 2031 (Part 1), which requires new development to encourage the use of sustainable modes of transport, by supporting measures that enable a modal shift to public transport, cycling and walking. Similarly, the development would conflict with the provisions of the Framework, which seek to promote walking, cycling and public transport where appropriate.

Other Matters

16. I note the appellant's contention that they would erect similar fencing and/or a storage facility on the appeal site pursuant to permitted development rights, in the event that the appeal is dismissed. Nonetheless, the impact of any such development would be materially different to the proposal. There is no evidence that grazing stock or storage of farm equipment would necessitate the removal of such an extensive section of hedgerow along the boundary of the site, nor the erection of a 2m fence. Nor would either use lead to such a proliferation of vehicle movements to and from the site, or the associated need for parking. This potential fallback would therefore not be properly comparable to the proposed development, and only carries limited weight in my decision.
17. Whilst I note the apparent local demand for a dog-walking facility of this type and the extensive public support for the proposal, this would not outweigh the

visual harm that would arise from the development to the wider landscape in this instance.

18. Even if the proposed field shelter and parking area were moved further north within the appeal site so that there was greater screening afforded by the retained hedgerow, this would not sufficiently mitigate the visual impact of the proposal, nor the impact arising from reliance on private motor vehicles to access the site. The revised plan submitted by the appellant would therefore not alter my decision.

Conclusion

19. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh this finding. The appeal is therefore dismissed.

James Blackwell

INSPECTOR