



Appeal Decision

Site visit made on 11 October 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/D3125/W/22/3299954

Shaven Crown Hotel, High Street, Shipton-Under-Wychwood OX7 6BA

- 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 Shaven Crown Hotel against the decision of West Oxfordshire District Council.
 - The application Ref 21/01381/FUL, dated 7 April 2021, was refused by notice dated 8 March 2022.
 - The development proposed is Construction of two detached two storey buildings to form four hotel bedrooms.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the Council's decision notice and the appellant's appeal form. The appeal proposal was amended during the course of the application and this revised description was agreed between the main parties. I have determined the appeal on this basis.
3. The proposed development was refused for two reasons. Since the appeal was lodged, the Council has confirmed they are satisfied that further ecological survey work could be secured through the imposition of appropriate conditions, prior to the commencement of development, should I be minded to allow the appeal. The second reason for refusal is therefore no longer being pursued and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on highway safety, with specific regard to access.

Reasons

5. The appeal site consists of land to the rear of the Shaven Crown Hotel, which is served via an existing vehicular access off the A361, also referred to as High Street. The A361 is a busy 'A' road running through the village, with a speed limit of 30mph and the existing access, which would also serve the appeal proposal, lies on the inside edge of a bend in the road. The A361 is also frequently used by heavy goods vehicles (HGV's), as I noted on my site visit. The existing access is shared with a handful of neighbouring properties and a bowls club.

6. The visibility sightlines for drivers at the existing access junction with the A361 is below normal standards, which is accepted by the appellant. I noted on my site visit that the existing access is tightly enclosed on both sides by the existing properties either side. Consequently, part of the visibility sightlines shown by the appellant would cross third-party land.
7. Owing to the position of the existing access on the inside edge of a bend, whilst the proposal would only result in a small number of additional vehicle movements, it would result in an increased use of the existing substandard and constrained access. I note the appellant demonstrates that the access point is wide enough at the point it meets the A361 to accommodate a vehicle waiting to turn onto the A361 and a vehicle turning into the hotel access. However, as I experienced on my site visit, whilst it may be physically wide enough, in reality, users are likely to position themselves in the centre of the access, and not hard up against the existing buildings either side of the access. This would obstruct the path of the entering vehicle, which then either waits on the A361 carriageway or reverses back on to it. Whilst I appreciate that this is an existing situation, the proposal would result in an increase for the potential for conflict between road users.
8. Visibility sightlines are also important for pedestrians and other road users. The proposal consists of self-catering units, that the appellant states would enable the hotel to cater for family and disabled visitors. Therefore, the proposal may be used by young children and parents/carers with children in buggies or wheelchair users. The proposed units are accessed directly from the existing car park, with users likely to use the existing vehicular access to access the local area on foot, rather than via the main hotel entrance. Due to the nature of the proposal, the future users of the proposal would be unfamiliar with the junction and the restricted visibility available to them. These factors would further increase the potential for conflict between all road users and the proposal cannot achieve the required visibility sightlines to ensure safe access for all users to the appeal site.
9. I note the lack of accidents reported in the area. However, only crashes which involve personal injuries are recorded by the Police. Furthermore, the inadequacy of the existing access was frequently raised as a concern by local residents.
10. The initial objection from the Highway Authority also raised concerns regarding parking, albeit this was not included in the reason for refusal. There is an existing car park to the rear of the hotel building. The appellant has confirmed that the existing parking arrangements of 14 parking spaces would remain unchanged. The car park, on average, operates at a 50% occupancy level. At the time of my site visit, which I appreciate is only a snapshot in time, there was plenty of car parking available. I am satisfied that there would be adequate parking to serve the proposal and it would not lead to any overspill parking on the surrounding roads.
11. I acknowledge the benefits that the proposal would bring, in terms of providing additional income for the hotel and enabling the hotel to cater for family and disabled visitors. However, I have serious concerns about the intensification of use of the substandard access, which would be detrimental to the safety of highway users. The Highway Authority has recommended that the application

be refused. I place significant weight on the expert views of the Highway Authority.

12. The appellant submitted the proposal following positive feedback as part of a pre-application enquiry. However, I note that the comments of the Highway Authority were not sought as part of this enquiry. Nevertheless, at appeal the proposal is considered afresh, and any positive feedback given as part of any pre-application advice does not warrant allowing the appeal.
13. Consequently, the proposal would have an unacceptable impact on highway safety, with specific regard to access. The proposal would be contrary to Policies OS2 and T2 of the West Oxfordshire Local Plan 2031 (Local Plan) (adopted 2018) which, in combination, seek to ensure that development is provided with a safe vehicular access and a safe and convenient pedestrian access, and that all development will be required to demonstrate an acceptable degree of impact on the local highway network. Paragraph 111 of the National Planning Policy Framework 2021 (the Framework) supports the refusal of development where there would be an unacceptable impact on highway safety.

Other Matters

14. The appeal site is within the Shipton-Under-Wychwood Conservation Area (CA) and the Shaven Crown Hotel is a Grade II* listed building. Furthermore, the pair of semi-detached properties immediately to the north of the hotel building, Ivan House and Church View, are Grade II listed buildings. I have had special regard to the desirability of preserving a listed building or its setting, and preserving or enhancing the character or appearance of the CA.
15. The CA covers a large area, incorporating most of the linear village. The character and appearance of the CA is best experienced along the principal routes through the village, including High Street and Church Street. Its significance derives from the urban grain of the buildings, the built form and traditional local materials of the buildings, as well as the village green and St Mary's Church. The Heritage Statement states that the development area is a relatively secluded space to the rear of the Shaven Crown Hotel, with limited views in and out, and is not a location from which the CA is best experienced or appreciated. The Council have concluded that the appeal site neither enhances, nor detracts from, the character or appearance of the CA, and therefore the area proposed for development makes a neutral contribution to the overall significance of the CA. I have no reason to disagree, and I am satisfied that the proposal would preserve the significance of the CA.
16. The significance of the Grade II* listed building of the Shaven Crown Hotel derives from its history as a medieval hostelry and its architectural interest afforded by the window detailing, chimney stacks and courtyard plan form, amongst others, provides the building with a satisfying level of embellishment. The setting of the hotel building is heavily influenced by the existing car park associated with the hotel, the A361 which runs to the front of the site, and the surrounding residential properties. Whilst the site of the proposal would not be part of the setting of the listed building that contributes a great deal to its heritage significance, the existing car park does nonetheless form part of the setting of the designated heritage asset. The proposal, as a result of it being new build development adjacent to the car park, would harm the setting that the Shaven Crown Hotel currently sits within, and consequently its significance.

17. In terms of the setting of the adjacent Grade II listed buildings, the setting of these buildings is experienced in the same way as the hotel building. Their significance is best appreciated from the front, which would be unaffected by the proposal. They have private rear gardens which are enclosed from the hotel car park to the rear and are clearly read as separate entities to the Grade II* listed building. Therefore, the proposal would preserve the setting in which Ivan House and Church View are appreciated and therefore their significance.
18. In view of the above, whilst I have found that the proposal would preserve the significance of the CA and the setting of Ivan House and Church View, the proposal would fail to preserve the setting of the Shaven Crown Hotel, a Grade II* listed building. The harm to the significance of the listed building would be less than substantial. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. Based on the evidence before me, I am satisfied that the less than substantial harm to the Grade II* listed building would be outweighed by the public benefits of the proposal, including securing the optimum viable use of the Grade II* listed hotel.
19. The site also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB). Due to the proposal representing sensitively sited and appropriately designed buildings, the proposal would conserve the natural beauty of the landscape within the AONB.

Conclusion

20. I am satisfied that the less than substantial harm to the Grade II* listed building would be outweighed by the public benefits of the proposal. However, the benefits would not outweigh the harmful effects of the development on highway safety and do not amount to convincing reasons to permit development. Therefore, the appeal scheme would be contrary to Policies OS2 and T2 of the Local Plan. As a result of this conflict, the proposal would conflict with the development plan when read as a whole. There are no material considerations, that indicate a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR