



Appeal Decision

Site visit made on 21 March 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal Ref: APP/D3125/W/22/3303824

Owls View, Shipton Road, Milton Under Wychwood, Oxfordshire OX7 6JT

- 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 Calum Taylor (Taylor Made Training) against the decision of West Oxfordshire District Council.
 - The application Ref 22/00338/FUL, dated 04 February 2022, was refused by notice dated 10 June 2022.
 - The development proposed is fitness studio building
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I also have been appointed to determine an appeal following the refusal of permission for the variation of the hours of operation of the existing gym and I carried out a joint site visit. This appeal relates to the erection of a fitness studio building only and is a different development on a different part of the same site. I am required to determine the appeal on this basis, and I have therefore dealt with the appeals separately.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area with particular regard to the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site comprises an existing fitness studio, livery stables, stores, a manege and areas of hardstanding. The site is accessed by a farm track from Shipton Road. Views of the site from the road are limited by boundary treatment and mature tree and hedge cover which obscures much of the built form.
5. The site borders residential dwellings to the west and agricultural fields to the north and east. The site is located in the Cotswolds AONB, which is characterised by its tranquil setting with gentle rolling hills and extensive views of low-lying agricultural landscape, which accentuates the rural character. The surrounding fields contain a number of buildings and structures including photovoltaic panels, a sewage treatment plant and agricultural buildings and the site borders residential built form and a road. Nonetheless the gently-

rolling nature of the appeal site and its connection to and expansive views of the surrounding landscape make a positive contribution to this green and verdant rural character.

6. The proposal seeks consent for the erection of a fitness studio building. A simple, pitched roof agricultural design is proposed, consistent with agricultural buildings in the surrounding area. The building would be built on lower ground than buildings within and neighbouring the appeal site. The building would be erected on land which currently forms an earth bund and a manege and would not project further towards the open fields than the existing manege. The proposal would be enclosed by built form on 2 of its sides and would be seen in the context of this existing built form.
7. The proposed building would not exceed the height of the neighbouring shed/workshop. However, it would have a considerably greater massing and consequently would have a greater visual impact than other buildings on and neighbouring the appeal site. Consequently, it would be more visible and prominent than the existing buildings, manege and earth bund. Furthermore, the incorporation of rooflights and large amounts of glazing would give the building a commercial appearance, which would jar with the largely rural character of the appeal site and surrounding area.
8. The Council found that the proposed development would be marginally visible within the street scene with minimal visual impacts from Shipton Road. Notwithstanding this, whilst views of the proposal from Shipton Road and the surrounding area would be limited, I find that the massing of the building and its commercial appearance would make it particularly prominent in any views from the road and from the surrounding fields and in such views the proposal and its associated intensification of activity and built form on the site would detract from the scenic beauty of the AONB. Whilst these views of the appeal site in the wider area are limited, in accordance with paragraph 176 of the Framework, relating to the conservation and enhancement of AONBs, I must give this harm great weight in my decision.
9. For the reasons above, the proposal would result in harm to character and appearance of the site and area, as well as limited and localised harm to the landscape and scenic beauty of the Cotswolds AONB. Therefore, the proposal would conflict with those aims of West Oxfordshire Local Plan (2031) (LP) policies OS2, OS4, E1, E2 and EH1 which require that great weight be given to conserving and enhancing the area's natural beauty, landscape and countryside and which seek to ensure that development respect the landscape character of the locality and to support proposals which are commensurate with the character of the area. I also find conflict with the West Oxfordshire Design Guide (2016), which has similar aims, and the guidance set down in Chapter 15 of the National Planning Policy Framework (the Framework).

Other Matters

10. The application was submitted following a pre-application enquiry and a withdrawn planning application which, it is stated, were for a larger building. Whilst this may well be the case, nonetheless it does not overcome the harm I have identified in relation to the main issue.
11. It is stated that the site is not at risk of flooding and that the existing site access and parking area would be used with additional capacity for overspill car

parking. I also note that the Council and Local Highway Authority raised no objections to the proposal on highway safety grounds. These matters are however neutral in the overall planning balance. Whilst provision for the storage of cycles and refuse is proposed, these would be required in any case and do not therefore weigh in favour of the proposal.

12. I note the appellant's assertion that the scale of the building is dictated by business need, and I note that the Council did not raise any concerns regarding the effect of the proposal on neighbouring amenity. Nonetheless, these matters do not outweigh the harm identified in relation to the main issue.
13. I have given due consideration to the comments made by the appellant in support of the proposal including the use of local materials and labour, sustainable materials and energy efficient measures as well as the economic and social benefits associated with the expansion of the existing rural business, the potential for direct and indirect local employment creation, proposed access for wheelchair users and the potential benefits for mental and physical health associated with the proposed gym. Whilst these matters weigh in favour of the proposal and meet local and national planning objectives, including those which seek to support the rural economy and social wellbeing, nonetheless they would not overcome the harm identified in relation to the main issue.
14. Even if I were to agree with the appellant that part of the site comprises previously-developed land, nonetheless this would not overcome the harm identified in relation to the main issue.
15. I agree with the Council's assessment that the proposed development will not directly impact upon the nearby listed building nor its setting. Nonetheless this does not overcome the harm identified in relation to the main issue.

Conclusion

16. Given the scale of the development I find the associated benefits would be modest and collectively I attribute them moderate weight. However, the harm to the character and appearance of the area and the AONB is the prevailing consideration in this appeal and attracts great weight. Therefore, this harm outweighs the benefits above associated with the development.
17. Thus, the proposal conflicts with the development plan when read as a whole and there are no other considerations, including the Framework, that outweigh this conflict. As such, for the reasons given above, and having regard to the representations in support, I conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR