



Appeal Decision

Site visit made on 30 January 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/D3125/W/23/3323584

Bluewood Park, Kingham, Chipping Norton OX7 6UJ

- 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 Mrs R Cochrane-Edwards Bluewood Park against the decision of West Oxfordshire District Council.
 - The application Ref 22/02045/FUL, dated 21 July 2022, was refused by notice dated 22 December 2022.
 - The development proposed is construction of twelve additional holiday lodges with associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for construction of twelve additional holiday lodges with associated landscaping at Bluewood Park, Kingham, Chipping Norton OX7 6UJ in accordance with the terms of the application Ref 22/02045/FUL, dated 21 July 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the site address in the banner above from the appeal form as it is more concise than that used on the application form.
3. During the Council's determination of the application, the development was revised. I have therefore taken the description of development from the Council's decision notice, albeit I have removed wording which is not an act of development.
4. As part of the appeal submission, the appellant has put forward a Landscape Statement¹ (LS). This does not materially alter the development proposed, and interested parties have had the opportunity to comment. As such, no parties would be prejudiced by me taking it into consideration and accordingly, I have had regard to it.
5. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. The legal designation and policy status of AONBs are unchanged.
6. During the appeal, the National Planning Policy Framework (the Framework) was revised. Its content in respect of the main issue has not been materially altered. Therefore, in this instance it has not been necessary to consult the parties on the revisions to the Framework.

¹ Landscape Statement prepared by Zebra Landscape Architects dated June 2023.

7. For the avoidance of doubt, due to the scale of the development proposed for twelve additional holiday lodges with associated landscaping on what is a relatively small parcel of land, the development is not major development within the National Landscape for the purposes of the Framework.

Main Issues

8. The main issues are:

- whether the development would conserve and enhance the scenic beauty of the landscape within the Cotswolds National Landscape (CNL); and
- whether the proposed development is in a suitable location for holiday lodges, having regard to the development plan strategy for the area.

Reasons

Cotswolds National Landscape

9. The site is located within the CNL (formally AONB). Within such a designation, there is a statutory requirement to have regard to the purpose of conserving and enhancing the natural beauty of the area, and a national policy expectation to give great weight to conserving and enhancing its natural beauty. I have determined the appeal with these duties and responsibilities in mind.
10. The appeal site is a parcel of land enclosed to three sides, much of which comprises grassland. Trees, hedging and vegetation form a boundary to the east with a large, relatively tall and long metal building beyond. To the south boundary is a linear row of hedging, which largely screens the fields beyond and forms part of a public right of way (PRoW) (ref: 168/10/10). To the west are hedges and trees separated by single-storey buildings associated with Bluewood Park, with other buildings and lodges interspersed with mature trees. A PRoW (ref: 168/14/10) is also located at the edge of the boundary. The northern boundary opens onto an open field, which extends to a well-established tall hedge that meets the B4450.
11. On my visit, I observed how the site is well contained within the wider landscape, with well-defined vegetated boundaries and nearby built form. Despite being open to the north, these characteristics result in the site having a closer connection to Bluewood Park and the adjacent camping/fishing lake than it shares with the more open expansive fields beyond. In addition, the presence of a low-lying timber fence further serves as an additional boundary segregating the site from the field beyond. At present, the enclosed nature of the small field means the appeal site makes a neutral contribution to this part of the CNL.
12. The West Oxfordshire Landscape Assessment (WOLA) identifies the appeal site lies within the Semi-enclosed clay wolds (large scale) character area of the wider Upper Evenlode Valley landscape character type. This area is characterised by large-scale, softly rolling productive farmland made up of generally large-scale fields with rectilinear boundaries formed by mainly hawthorn hedges. The landscape also contains some visual containment provided by blocks and belts of woodland with Oak being a dominant feature in hedgerows and woods. These features result in some moderate intervisibility that would match my observations of the site and surrounding area.

13. The appeal site is within the 'strengthen a' category for the purposes of the WOLA. This identifies the landscape as attractive but not quite so special or distinctive as others and would benefit from some modest enhancement to strengthen the weakened landscape and reinforce local distinctiveness.
14. Based on my observations of the surrounding area, LS, Landscape and Visual Appraisal,² and comments provided by an interested party³, the most significant views of the site would be those from the B4450 and the PRowS to the south (168/10/10) and west (168/14/10). While some views of the site would be possible from further afield, these would not be particularly significant as the development would be seen in the context of the existing business at Bluewood Park and neighbouring camping and fishing lake including their buildings. Moreover, the intervening vegetation and distances involved would also limit visibility from many medium and longer-range views.
15. Despite the significant change in view from the B4450, the development, as identified above, would be seen sited between and experienced with two existing sites that offer leisure and recreational uses along a similar build line. The proposed development would, therefore, be well-related to existing developments within its surroundings. It would sympathetically and logically form a part of Bluewood Park and as a result, would not have a transformative effect but complement surrounding uses that currently exist in this immediate area of the CNL.
16. The Council have raised concerns about the urbanising effect of the scheme on the surrounding area. The proposed planting, particularly the belt to be sited on the northern boundary, would take some time to mature and would also likely offer less coverage during winter months. During these times, the low-level lodges, especially during winter months, would be highly visible. However, the modest scale, spaced layout and similar design to existing lodges nearby, which they would be seen in combination with, would ensure the proposed lodges did not appear incongruous in this rural setting, conserving the landscape and scenic beauty of the CNL. Additionally, the external materials of the lodges and hard landscaping could be secured by condition to prevent any detrimental visual impact through inappropriate lodge colours or domestic surfacing materials.
17. Moreover, conditions on soft landscaping can secure enhancements to this area of the Upper Evenlode Valley landscape. The incorporation of oak trees with other tree planting would form a continuation of the nearby trees to form a link with existing woodland found nearby as sought by the WOLA. Once established, the scheme would enhance the CNL as a result of the improvement to the Semi-enclosed clay wolds (large scale) character area.
18. The scheme would also change the views from the PRowS 168/10/10 and 168/14/10, but these routes are on the edge of the appeal site, which feels partially enclosed. The limited length of the routes through the appeal site in combination with design, layout and scale of the development would be sufficient to ensure the proposal would not be detrimental to the appreciation of the landscape from these public vantage points. Furthermore, the visual impact of the development would further improve over time as the materials and new landscaping mature and become assimilated into their surroundings.

² Landscape and Visual Appraisal prepared by Zebra Landscape Architects dated July 2022

³ ES Landscape Planning responses dated 27 September 22, 4 November 22 and 20 December 23.

19. It has been suggested by interested parties that the development would not be in keeping with the existing architecture and environment of Kingham. However, there is a considerable distance between the two locations such that they are not experienced together. Therefore, the proposal would preserve the character and appearance of the settlement and the setting of the nearby Conservation Area. I therefore find no harm in this regard.
20. Given the proximity of similar uses and the limited scale of the development activity associated with the appeal scheme would be minimal in nature and would not harm the tranquillity of the CNL. Conditions on external lighting and internal lighting would also prevent any harm to dark night skies during both the establishment of the landscaping and after it matures.
21. For the above reasons, the proposed development would not conflict with Policies OS2, E4, EH1 and EH2 of the West Oxfordshire Local Plan 2031 (WOLP) in so far as they seek to protect the intrinsic character of the area and conserve and enhance the landscape quality of the CNL. It would also accord with the aims of the Framework in conserving and enhancing landscape and scenic beauty in National Landscapes.

Suitable location

22. There is no disagreement between the main parties that the appeal site lies within the open countryside for the purposes of Policy E4 of the WOLP. Under Policy E4, tourism and leisure developments within the open countryside which utilise and enrich the natural and built environment and existing attractions of the district to the benefit of visitors and local communities may be justified subject to a limited number of exceptions.
23. The relevant exceptions in regard to the proposed development are where there is a functional linkage with a particular countryside attraction or the nature of the tourist and visitor facility is such that it could not reasonably be located within or close to Service Centres and Villages.
24. The proposed development would form an extension of the existing business at Bluewood Park. The Council's appeal statement notes there is no functional linkage with leisure walking in the CNL and only provides visitors to the area with accommodation and is not related to any other holiday activities. However, as set out earlier in the Council's statement, there are numerous PRowS nearby, including walks that form part of national walking routes that also criss-cross the Cotswolds.
25. These routes also provide access to not only the scenic beauty of the CNL but to numerous other historic parks, gardens and buildings, including conservation areas. Additionally, the evidence before me indicates the existing business generates a significant demand with high levels of take-up throughout the year. For these reasons, the appeal scheme, as an extension of Bluewood Park, would have a functional linkage with nearby PRowS which lead to many other attractions as identified above. Therefore, for the purposes of Policy E4 there is a functional linkage with a particular countryside attraction.
26. In finding the development would have a functional linkage, there is no requirement for me to assess if the appeal scheme could not reasonably be located within or close to Service Centres and Villages.

27. I've also taken into consideration the supporting text to WOLP Policy E4. This, amongst other things, states that intensification or extension of existing camping or caravan sites should achieve positive environmental improvements. I see no reason why this cannot be secured through an appropriately worded condition.
28. Additionally, the supporting text to Policy E4 notes that additional sites for static holiday caravans are not generally considered appropriate due to their effect on landscape quality and special character of the built environment. The proposed lodges, whilst defined as caravans, do not have the traditional appearance of a static caravan and are well-designed and in keeping with the lodges and development found nearby in this part of the CNL. I therefore find no conflict with the supporting text of the policy.
29. The appeal scheme would not be located sufficiently close to Kingham to make regular walking to the settlement along the road a likely prospect. However, holidaymakers are more likely to walk using the nearby PRoW to access facilities in Kingham, given that they have more leisure time, and a country walk can be a pleasant experience. Moreover, if any private motor vehicle trips take place, the journeys by car would be short, direct and along established routes.
30. I have also taken Paragraphs 88 and 89 of the Framework into consideration. Together, they seek to allow the sustainable growth and expansion of all types of business in rural areas and recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well-served by public transport. A number of factors will be important in these circumstances, and the proposal would achieve those relevant in being sensitive to its surroundings and not having an unacceptable impact on local roads. On the evidence before me, I therefore find the overall reliance on the private car to be acceptable in this instance.
31. Overall, I conclude that it has been shown that the appeal site is in a suitable location for holiday lodges having regard to the development plan strategy for the area. The proposal would therefore accord with Policy E4 of the WOLP. The proposal would also accord with requirements within the Framework, which supports expansion of all types of business in rural areas and sustainable rural tourism that respects the character of the countryside.

Other Matters

32. The specific circumstances that apply in this case are unlikely to be repeated elsewhere. Concerns about precedent are therefore not a significant consideration. In any case, each development is considered on its own merits.
33. The loss of a small parcel of land would unlikely impact any future food production or harm access to outdoor amenity space for future generations.
34. Any existing breaches of planning permission are matters for the Council. Furthermore, should the development not be carried out in accordance with the approved details this would also be a matter for the Council to investigate.
35. The development is likely to increase human activity in the CNL, but given the small scale of the development, this is unlikely to be harmful to the landscape. Additionally, there is likely to be a small increase in energy use and waste from

the development. However, this would not result in any detrimental harm to the area given the limited scale of the proposal.

36. The increase in traffic as a result of the development would be minimal. I have been presented with no substantive evidence that this would lead to highway safety issues, including conflict with livestock. Similarly, no convincing evidence is before me to conclude the development would increase the risk of flooding either onsite or nearby.
37. The requirements of maintaining the free and unobstructed routes of PRow are covered by separate legislation and are not a matter for consideration as part of this appeal. Moreover, existing users of the Bluewood Park accessing the Bridleway is not a matter for consideration as part of this appeal.

Conditions

38. The Council have suggested that 11 conditions be imposed, which I conclude on below. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly combined and modified the wording or form of certain conditions without altering their fundamental aims.
39. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty. As I cannot be sure drawing layout plan zla1237 L200 Rev E has been correctly consulted on I have specified the approved drawing as zla1237 L200 Rev D. Additionally, as the lodge precedent images vary in appearance, I have not included the drawing as it does not provide certainty with regards to the design of the lodges.
40. To protect the character and appearance of the area, it is also necessary to impose a condition requiring details, including colour, of the external surfaces of the development and have these approved by the Council as the submitted drawings do not expressly identify a colour.
41. A condition regarding ecology is necessary in the interest of biodiversity. Conditions are also required in relation to details of hard and soft landscaping and lighting in the interest of protecting and enhancing wildlife and the landscape and scenic beauty of the CNL.
42. The planning application sought permission on the basis that the lodges to be erected would be utilised as holiday accommodation. I have assessed the acceptability of the proposed development on this basis. Therefore, to define such use, I have imposed a condition in this regard.
43. The Council have requested a desktop study to identify any potential unknown filled ground given the history of nearby sites. However, there is no substantive evidence to demonstrate the appeal site has been previously developed. Therefore, a condition required in relation to unexpected contamination in the interest of safety is more appropriate.
44. To provide a satisfactory standard of development, a condition on drainage is required.
45. I have had regard to the appellant's comments on a Travel Plan and the PRow. However, based on my findings above, I do not find that a Travel Plan is

necessary. Moreover, PRow routes and keeping them unobstructed are covered by separate legislation, so a condition is also not necessary in this regard.

Conclusion

46. For the above reasons and taking all other material matters into consideration the appeal is allowed.

A Hickey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, zla1237 L200 Rev D and Elevation drawing titled Willerby, Willerby Park Homes, Acorn.
- 3) No development above ground shall commence until details of external wall facing materials, including colour, to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development above ground shall commence until details of all external lighting is submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.
- 5) No development above ground shall commence until details of both hard and soft landscape works, including biodiversity enhancements, have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a) Written specifications (including cultivation and other operations associated with plant and grass establishment;
 - b) Planting methods, tree pits & guying methods;
 - c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
 - d) Retained areas of trees and hedgerows;
 - e) Details of all hard-surfaces, including paths, kerb edges, access ways, boundary treatments, bin and cycle stores and parking spaces, including their appearance, dimensions and siting;
 - f) Details of bat roosting feature(s), nesting opportunities for birds, hedgehog homes or other biodiversity enhancements to be incorporated into the development;
 - g) A landscape schedule and management plan designed to deliver the management of all new and retained landscape elements to benefit people and wildlife for a minimum period of 5 years including details of the arrangements for its implementation;
 - h) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping works shall be implemented in full accordance with the approved details and timetable. If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement of them) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of a similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.

- 6) The lodges hereby approved shall be fitted with blackout blinds or similar, to be closed during hours of darkness prior to first occupation. Once installed, the blinds or blackout alternative shall be maintained in working order and retained in perpetuity.
- 7) The development shall be completed in accordance with the following documents, as submitted with the planning applications:
- Section 4 of the Preliminary Ecological Appraisal, dated 23rd July 2021 prepared by Cotswold Wildlife Surveys; and
 - All measures outlined within the Forest of Dean District Council's Precautionary Method of Working available at:
<https://www.fdean.gov.uk/media/wjth1ruj/biodiversity-spec-1-precautionary-method-of-working.pdf>.

All recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

- 8) The development hereby approved shall be implemented and occupied in accordance with the following:
- The lodges shall be occupied for holiday purposes only;
 - The lodges shall not be occupied as a person's sole, or main place of residence;
 - The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.
- 9) The development hereby approved shall be implemented in accordance with the submitted Drainage Strategy dated November 2022 prepared by Waterco and retained thereafter.
- 10) If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

End