
Appeal Decision

Site visit made on 6 February 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2024

Appeal Ref: APP/V3120/W/23/3325356

**Land associated with the Horse & Harrow, Main Street, West Hagbourne
OX11 0NB**

- 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 Cordage 7 Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P23/V0475/FUL, dated 17 February 2023, was refused by notice dated 21 April 2023.
 - The development proposed is change of use of land (currently Sui Generis) to provide additional residential garden space (Use Class C3) associated with planning application (ref no. P22/S3609/FUL) submitted to South Oxfordshire District Council.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land (currently Sui Generis) to provide additional residential garden space (Use Class C3) associated with planning application (ref no. P22/S3609/FUL) submitted to South Oxfordshire District Council at Land associated with the Horse & Harrow, Main Street, West Hagbourne, Oxfordshire, Didcot OX11 0NB in accordance with the terms of the application, Ref P23/V0475/FUL, dated 17 February 2023, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, having regard to whether the scheme would preserve or enhance the character or appearance of the West Hagbourne Conservation Area (the Conservation Area); and
 - the viability of the Horse and Harrow Public House.

Reasons

Character and Appearance

4. The appeal relates to a small parcel of land associated with the Horse and Harrow public house. The site is currently hard surfaced and forms part of a wider area of car park serving the pub. The appellant advises that the additional residential garden space is proposed to serve the dwellings that would result from the redevelopment of the public house site. Whereas the proposed dwellings fall within the administrative area of South Oxfordshire District Council, the additional garden space subject of this appeal falls within the administrative area of the Vale of White Horse District Council.
5. The application for the redevelopment of the public house was refused by South Oxfordshire District Council and is subject to an appeal¹ being determined concurrently with this appeal. Notwithstanding the future implementation of the proposed redevelopment of the public house, the introduction of a small area of garden would aid the comfortable visual transition of the built form of the pub car park into the surrounding countryside.
6. The public house is of historic and architectural interest and contributes positively to the significance, character and appearance of the Conservation Area. The development would contribute positively to the informal green setting of the public house, appropriate to the pub's edge of village location.
7. The development would therefore preserve the character and appearance of the area, including the Conservation Area, in accordance with Policies CP37, CP39 and CP44 of the Vale of White Horse Local Plan 2031 Part 1, and Policy DP37 of the Vale of White Horse Local Plan 2031 Part 2. Taken together, amongst other things, these policies require development to respond positively to its site and surroundings, conserving or enhancing the character, setting and appearance of the Conservation Area.

Viability

8. There is no substantive evidence before me to demonstrate that the proposal would result in the loss of the public house. The adjacent roads are not subject to parking restrictions and provide easy nearby parking for customers if required. The proposal, therefore, complies with Policy DP9 of the Vale of White Horse Local Plan 2031 Part 2 which seeks to protect and retain existing public houses.

Conditions

9. I have considered the Council's suggested conditions against the advice in the Framework and the Planning Practice Guidance. Where necessary I have amended and added to the conditions. In addition to the standard commencement condition, it is necessary to attach a condition to identify the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. A condition is also required to ensure appropriate landscaping is implemented in the interests of the character and appearance of the area.

¹ APP/Q3115/W/23/3321241

Conclusion

10. Overall, I find the proposal to comply with the development plan when taken as a whole. I have taken account of all other matters raised and there are no material considerations, taken individually or cumulatively, that outweigh the identified compliance with the development plan or indicate that the appeal should not succeed.
11. For the reasons above, the appeal is allowed.

S D Castle

INSPECTOR

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Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby approved shall be carried out in accordance with the details shown on the following approved plans and documents except as controlled or modified by conditions of this permission:
 - Location plan - drawing no. 22.3359.0000 Rev P1
 - Block plan - drawing no. 22.3359.100 Rev P1
3. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - boundary treatments and means of enclosure;
 - planting plans;
 - hard-surfacing materials;
 - an implementation programme, including the phasing of landscape works in relation to the first occupancy of the dwellings approved by planning permission ref: P22/S3609/FUL (South Oxfordshire District Council).

The landscaping works shall be carried out in accordance with the approved details.