



Appeal Decision

Site visit made on 11 June 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2024

Appeal Ref: APP/D3125/W/23/3330358

15 Meadow Lane, Shipton-Under-Wychwood OX7 6BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jason Glennon against the decision of West Oxfordshire District Council.
 - The application Ref is 23/00819/FUL.
 - The development proposed is the installation of 2x Upstanding EV chargers to charge electric cars at 15 Meadow Lane.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by Mr Jason Glennon against West Oxfordshire District Council. That application is subject of a separate decision.

Preliminary Matters

3. As part of the appeal a document titled 'Landscape Technical Note' has been provided. This document was not before the Council at the time the application was determined. However, given that the Council and other interested parties have had the opportunity to submit representations in respect of it at the appeal stage, they would not be prejudiced by my consideration of its contents.
4. In 2023, all designated Areas of Outstanding Natural Beauty (AONB's) in England and Wales became 'National Landscapes'. Nevertheless, their legal designation and policy status remain unchanged. As such and notwithstanding its changed name, the Cotswolds National Landscape, is referred to as the Cotswolds AONB within this decision letter.
5. I am satisfied that plan ref: 22006665_PLN_INFO_SI_1.2 was one of the plans that formed part of the planning application.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the Shipton-Under-Wychwood Conservation Area and the Cotswolds AONB.

Reasons

7. The appeal site forms a small part of a wider field enclosure (the meadow), which is within the Cotswolds AONB and the Shipton-Under-Wychwood

Conservation Area (the CA). As such in determining this appeal, it is my duty to both seek to further the purpose of conserving and enhancing the natural beauty of the area of the AONB, and, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

8. The Cotswold National Landscape Management Plan 2023-2025 identifies the special qualities of the AONB, which include its tranquillity; arable landscapes; distinctive settlements; and an accessible landscape for quiet recreation. More locally the site is within the Upper Evenlode Valley character area - as identified within the West Oxfordshire Landscape Assessment document¹ (WOLA). Features of this area, as set out within the WOLA and the West Oxfordshire Design Guide² (the design guide), include highly attractive land with an unspoilt rural character; low-lying gently undulating mixed farmland; and a strong structure of hedgerows and trees.
9. The CA encompasses both the historic rural settlement of Shipton-Under-Wychwood, and a range of neighbouring fields and meadows. The verdancy and sense of tranquillity both within the settlement and the fields around it are distinctive features of the CA. Moreover, attractive views of the often hedgerow and tree-lined meadows next to the built-up areas can be obtained from within the settlement. These characteristics all contribute positively to the significance of the CA.
10. The gravel which covers much of the appeal site, is contained by and separated from the wider grass meadow by low timber sleepers. Notwithstanding the variety in the boundary treatments along its eastern edge, the meadow retains a pleasant sense of openness and tranquillity. Consequently, and despite being adjacent to a built-up area, the open appeal site makes a positive contribution to the quality and distinctiveness of the area. It also shares identified qualities of the AONB and distinctive characteristics the Upper Evenlode Valley character area.
11. The erection of the EV charging points themselves would have a negligible effect on the character and appearance of the area. This is because of their limited size, their muted colour, and their proposed siting on existing fencing. Nevertheless, and noting the appellant's claim that there is parking stress within the lane, it is reasonably likely that vehicles would frequently be parked on the site for protracted periods beyond that which would be required for EV charging purposes associated with the normal use of number 15 Meadow Lane (number 15).
12. Even if an effect of allowing this appeal would be the authorisation of a mixed-use of the site for domestic parking and the parking /storage of agricultural machinery, its subsequent use for the parking of domestic vehicles would have a harmful suburbanising effect on the site. The proposed boundary treatments would also reduce its openness. Moreover, whether or not the development would increase the size of the residential curtilage at number 15, the regular comings and goings associated with the normal use of domestic parking, would reduce the tranquillity of the site.
13. I accept that the appeal site could be used for the stationing of vehicles and machinery associated with the ongoing management of agricultural land under

¹ West Oxfordshire District Council – West Oxfordshire Landscape Assessment dated 1998

² West Oxfordshire District Council – West Oxfordshire Design Guide dated 2016

the control of the appellant. However, albeit a snapshot in time, during my site visit no vehicles or agricultural machinery were observed to be so stored or parked. Furthermore, from the evidence, I am unconvinced that the appeal site is routinely or commonly used for these purposes. I have no reason to doubt therefore, that users of the lane are often able to secure high-quality views of the countryside beyond the edge of the built-up area, through the wide 5-bar gate which provides vehicular access to the appeal site.

14. No detailed specification for the proposed hedgerow has been put forward. Nevertheless, the planting of a hedgerow in the location indicated would interrupt and/or obstruct views of the meadowland and hedges beyond the appeal site from within the lane. The reduction or loss of such views would harm the way that the meadows within the CA can be experienced from within the lane.
15. For these reasons, and albeit the development proposals are of a small scale, the proposed development would detract from the character and scenic beauty of the part of the AONB it is within, and it would fail to preserve or enhance the character or appearance of the CA. Paragraph 205 of the Framework, states that great weight should be given to the [heritage] assets conservation. Paragraph 206 then guides that any harm to or loss of the significance of a designated heritage asset [which would include a CA], should require clear and convincing justification.
16. While the harm that would be caused to the CA would be less than substantial, it must nevertheless be given considerable importance and weight. Furthermore, and in accordance with paragraph 208 of the National Planning Policy Framework (the Framework) that harm should be weighed against any public benefits of the proposal. I have no reason to doubt that the planting of a hedgerow in the location proposed would enhance the biodiversity value of the appeal site. Moreover, if the provision of 2 EV charging points would result in a reduction in carbon emissions associated with the running of non-electric vehicles, it would have the potential to result in a small improvement to air quality. However, given the small scale of the scheme and the lack of compelling evidence regarding the extent of any such benefits, only limited weight can be attributed to each of these public benefits. Consequently, the public benefits that would result from the scheme are not sufficient to outweigh the previously identified harm that would be caused to the designated heritage asset.
17. While garden extensions off Littlebrook Meadow may previously have been permitted, such extensions were into different meadows from that subject of this appeal. My attention has also been drawn to an appeal decision³ relating to land adjacent to the appeal site which authorised the change of use of part of the meadow to domestic garden. However, that decision was made before the Levelling-up and Regeneration Act 2023 which amended section 85 of the Countryside and Rights of Way Act 2000. This added to the duty in respect of AONB's. Moreover, neither the development subject of the previously cited appeal nor the other garden extensions have obstructed views of the meadow or the trees and hedges within it from the lane. These other developments do not therefore lead me to an alternative conclusion in respect of this main issue.

³ Appeal ref: APP/D3125/W/16/3144963

18. For the reasons given, the proposed development would cause harm to the character and appearance of the area, with particular regard to the Shipton-Under-Wychwood Conservation Area and the Cotswolds AONB. Consequently, it would conflict with policies OS2, OS4, EH1, EH9, and EH10 of the West Oxfordshire Local Plan 2031⁴. Amongst other things, these policies seek to ensure that new development respects the intrinsic character of the area and is of a high-quality design. They also serve to protect the landscape and scenic beauty of the AONB, and to conserve and/or enhance the special character, appearance, and distinctiveness of the historic environment. The development would also conflict with the Design Guide and Chapter 12 of the Framework, where they seek to secure well-designed and beautiful places and to protect and enrich the character of the district.

Other Matters

19. A car parked in front of the appellant's garage would be likely to interrupt the free flow of passing vehicles. I also accept that there may be practical difficulties associated with the installation of an EV charging point in the other potential alternative locations identified by the appellant. Nevertheless, I am not convinced that the difficulties identified by the appellant in association with the other alternative locations could not be overcome. Furthermore, while benefits to air quality could result from the development if it were to result in a reduction of non-electric vehicles, given the small scale of the scheme, only limited weight can be attributed to this benefit.

Conclusion

20. The development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination that outweigh the identified harm and associated development plan conflict.
21. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR

⁴ West Oxfordshire District Council West Oxfordshire Local Plan 2031 Adopted September 2018