



Appeal Decision

Site visit made on 26 June 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/D3125/W/24/3336840

Charlbury Garden Centre, Witney Road, Ramsden, Chipping Norton OX7 3AS

- 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 British Garden Centres against the decision of West Oxfordshire District Council.
 - The application Ref is 23/01321/FUL.
 - The development proposed is the erection of a play barn and canopy and extension of the existing car park.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue are:
 - The effect of the proposal on the character and appearance of the area and in particular whether or not the proposed development would conserve the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB); and
 - whether or not the appeal site is an appropriate location for the proposed development having regard to the development plan and any other relevant policies relating to development within the countryside.

Reasons

Character and appearance

3. The appeal site is set away from the local road network and is accessed via a one-way access road system from Witney Road and vehicles exit onto Leafield Road. Although the appeal property covers a large area, it comprises relatively low-level structures which accommodate the garden centre, ancillary retail sales and storage floorspace, external sales canopies, a greenhouse and a warehouse. There are also areas of hardstanding, a storage and service yard and car parking areas.
4. The area surrounding the appeal site predominantly comprises areas of woodland, scrub land and agricultural fields. The low-level nature of the buildings on the appeal site creates an unassuming and unobtrusive development which sits comfortably within this countryside setting which does not harm the landscape and scenic beauty of the AONB.

5. The proposal would introduce a two-storey building that would be significantly higher than the existing buildings and structures on the appeal site. Although the appeal site is well contained and screened, the introduction of a building of such height, scale and mass adjacent to an area of existing woodland would appear inharmonious within this setting. Consequently, it would undermine the existing unassuming and unobtrusive appearance of the appeal property and instead the proposal would appear as a discordant disproportionate feature that would look harmfully out of place. It follows that the proposed development would not conserve the landscape and scenic beauty of the AONB.
6. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the area and would not conserve the landscape and scenic beauty of the AONB. It follows that the proposed development would conflict with the relevant parts of Policies OS2, OS4 and EH1 of the West Oxfordshire Local Plan 2031 adopted in September 2018 (WOLP) which seek to ensure that all development should, be of a proportionate and appropriate scale to its context, form a logical complement to the existing scale and pattern of development, respect the character of the locality, contribute to local distinctiveness and conserve and enhance the area's natural beauty, landscape and countryside.
7. The proposal also does not accord with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character.

Whether or not an appropriate location

8. It is common ground between the main parties that the appeal site is located within an area categorised in the settlement hierarchy as within the open countryside. Policy OS2 of the WOLP sets out that in such an area development will be limited to that which requires and is appropriate for a rural location and respects the intrinsic character of the area. In relation to proposals for non-residential development appropriate development includes those that support the effectiveness of existing businesses. The proposal would be ancillary to the existing use of the site, would support the effectiveness of the existing business and would secure economic benefits. In principle, it would therefore be appropriate for a rural location. However, given my findings above, it would not respect the intrinsic character of the area and overall, the proposal would be at odds with this policy.
9. Policies E1 and E2 of the WOLP deal with land for employment and supporting the rural economy. The proposal would improve the effectiveness of employment operations on an existing employment site and would help to support the rural economy by creating additional employment opportunities on an existing employment site and would result in economic benefits. However, another requirement of these policies relates to the impact any proposals would have on the character and appearance of an area. Given that the scale of the proposal would not be commensurate with the character of the area and as outlined above the proposed development would harm the character and appearance of the area, overall, the proposal would conflict with these policies as any benefits associated with the proposal would be outweighed by that harm.
10. Although future users of the proposed play barn and employees would undoubtedly rely on private cars to access the proposed development and

Policies T1 and T3 promote sustainable transport, including public transport, walking, and cycling, given that the proposal would be ancillary to an existing employment use, if in all other respects the proposal had been acceptable that would not have been fatal to the scheme. Nevertheless, given the harm the proposal would have on the character and appearance of the area, the proposal would not represent development in the right place.

11. I therefore conclude that the proposed development would not be located in an appropriate location having regard to the settlement hierarchy and would not accord with relevant policies relating to development within the countryside. The proposal would therefore conflict with the relevant parts of policies OS2, E1 and E2 of the WOLP for the reasons set out above.
12. Further, the proposal would not accord with the Framework. Although this recognises that development to meet local business needs in rural areas may need to be found in locations that are beyond existing settlements and that are not well served by public transport. However, in such circumstances it sets out that it is important that such development is sensitive to its surroundings, which this proposal would fail to achieve.

Other Matters

13. I have taken account of the fact that the appellant has expressed concern that they were not given the opportunity to discuss the proposal with the Council. However, the conduct of the Council does not alter my view on the main issues nor justify harmful development at the appeal site. I also note that the proposal would be acceptable in terms of residential amenity, highways and ecology. However, these matters are neutral factors in the determination of the appeal.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR