

Appeal Decision

Site visit made on 19 September 2024

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/Q3115/W/23/3331221

Land east of Reading Road, Cholsey, Wallingford OX10 9HG

- 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 Robert Crowe against the decision of South Oxfordshire District Council.
 - The application Ref is P22/S4164/FUL.
 - The development proposed is (retrospective) change of use of land to informal private leisure use; to include an area allocated to the open storage of non-motorised boats and the siting of a trailer storage shed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the appeal site and surrounding area;
 - highway safety; and
 - a Minerals Safeguarding Area.

Reasons

Character and appearance

3. The appeal site is a rectangular plot of land with a frontage to the River Thames, access to which is gained by an unmade access track off Reading Road to the west. The surrounding area is open, undeveloped land that is rural in character and appearance.
 4. At the time of the inspection the site did not include any stored boats, but the proposal shown on the submitted plans is to store up to three non-motorised boats to the rear of the site from the river frontage. These would be adjacent to the trailer shed, which was present on site, used for storage of maintenance equipment. There are a small number of similarly delineated plots next to the appeal site.
 5. Policy ENV1 of the South Oxfordshire Local Plan 2011-2035 (2020) (the LP) states that the district's landscape, countryside and rural areas will be protected against harmful development. Policies DES1 and DES2 of the LP together require high quality development that enhances local character.
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6. The shed is a relatively large structure, with corrugated metal sides, a pitched roof and a large front door that opens downwards to provide access. The site includes a number of trees lining the long sides of the plot with some also close to the trailer and boat storage area. The adjoining plots do not include any structures, except a polytunnel.
7. Despite their size, the trailer and boats would not be prominent features approaching along the access track from the west or in views from open land to the north due to the trees providing an effective screen. However, the side of the site fronting the river is much more open allowing views into the site, both from the river itself and from the Thames Path, which runs directly in front of the site.
8. The trailer's colour helps it to integrate visually to its surroundings to a limited extent and there is some modest tree cover from these views. Nonetheless, the trailer can readily be seen and appears as a large incongruous and uncharacteristic urbanising form in the otherwise open rural setting. These effects would be more marked in the autumn and winter when some trees would not be in leaf.
9. The storage of boats would be less harmful due to their smaller size and association with the river. However, the overall effect of the trailer and boats in this location without any other forms of development would harmfully detract from the rural riverside setting. I note the appellant's contention that the site should be defined as woodland rather than agricultural land. This does not, however, have a direct bearing on this issue in terms of the effect on the character and appearance of the site, as found above.
10. The use of planning conditions to protect trees or to limit use of the site to the appellant's family would not overcome the above findings. The appellant contends that, irrespective of the current proposal, the trailer and boats could legitimately be brought to the site on a daily basis. However, such regular use of the site in this way is unlikely, not least because the trailer is a large structure to manoeuvre along the unmade track and this is not a practical arrangement.
11. Accordingly, I conclude that the proposal has an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area. Consequently, it is contrary to Policies ENV1, DES1 and DES2 of the LP, as described. It is also contrary to the National Planning Policy Framework (the Framework), which advocates good design and which requires that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside¹.

Highway safety

12. The appeal site is served by an access onto the A329 Reading Road, which has a 50mph speed limit at this point. The *Design Manual for Roads and Bridges* recommends visibility splays in such circumstances of 160 metres in each direction. This appears to be achievable to the south of the access and I observed good visibility in this direction at the inspection. To the north, however, the visibility is 95 metres and this is substandard on this busy road. To achieve the requisite

¹ Paragraph 180.

standard would require removal of vegetation to the road frontage, which is not in the appellant's control.

13. The Council indicates that the access has existed for a number of years, serving a lawful agricultural use, and that movements associated with its use were likely to be outside of peak traffic times. The appellant contends that the access could continue to be used by them irrespective of the current proposal. I am not aware that the Council or Highway Authority (HA) dispute this point or contend that use of the access track, which appears to be within the appellant's control, would otherwise be unauthorised.
14. In these circumstances, the main consideration is whether the proposal would result in any increase in vehicular movements, or different vehicle movements, such that highway safety would be compromised to an unacceptable level over and above that which would otherwise exist from the use of the access.
15. There is no available evidence about the current frequency or times of use of the access. However, it seems reasonable to assume that visits to the site are likely to occur by a single vehicle outside of peak traffic hours, including at weekends. In the event of the appeal's failure, it also seems reasonable to assume that the appellant will continue to visit the site for land management purposes and to gain access to the river. Against this background and in the absence of any evidence to the contrary, the type and frequency of vehicle movements associated with the site, with or without the proposed change of use, are unlikely to be materially different.
16. I have had regard to the HA's concerns that the single-width access track and access could result in a vehicle reversing into the main road. However, given the limited nature of the use by the appellant this is unlikely to occur. Furthermore, given that the proposal is for a private use, coaches or other large vehicles are unlikely to need to gain access to the site.
17. Taking these findings as a whole, based on the evidence available it appears that the existing access could continue to be used in the event of the appeal's failure; and the current proposal would not result in a material increase or change in its use. Consequently, I conclude in these circumstances that the proposal does not have an unacceptably harmful effect on highway safety. As such, there is no conflict with Policy TRANS1 of the LP, which includes the requirement to ensure that the impacts of new development on the strategic and local road network are adequately mitigated; or with Policy TRANS5 of the LP, which requires development proposals to provide for a safe and convenient access for all users to the highway network. There is no conflict with the Framework's provisions with regard to highway safety.
18. I note the appellant's contention that the development plan policies referred to are not relevant due to their strategic nature and the fact that an existing access is involved. However, the provisions referred to above are in my view directly relevant to the reason for refusal on this issue concerning highway safety.

Minerals Safeguarding Area

19. The site falls within a Minerals Safeguarding Area (MSA) and, therefore, Policy M8 of the Oxfordshire Minerals and Waste Local Plan Core Strategy (2017) (MWLPCS)

is relevant. This states that mineral resources in MSAs are safeguarded and that development that would prevent or otherwise hinder the possible future working of the mineral will not be permitted unless certain circumstances apply. It is not disputed that none of these circumstances apply in this case.

20. Reference is made to a recent application for sand and gravel extraction immediately north and west of the appeal site². The appellant states that this has been refused and that the buffer zone applied in that case as well as tree protection measures would make mineral extraction at the appeal site impracticable. While I have had regard to this contention, it is not possible to conclude with certainty that the same considerations would apply to a future proposal for mineral extraction within the MSA that includes the appeal site.
21. It is also contended that as the proposal does not result in physical development of the site, the mineral resources would be safeguarded, which would accord with the Framework's requirement to ensure that mineral resources are not sterilised by other development. However, in this case the proposal involves a change of use, with specific provision for physical storage of relatively large items on the site, which could hinder the possible future working of the site, contrary to Policy M8.
22. I have considered the suggestion that a condition could be imposed to ensure compliance with Policy M8. However, I have concerns about whether such a condition would be enforceable if a permanent permission were to be granted.
23. Accordingly, for these reasons, I conclude that as the proposal would hinder the possible future working of minerals in the MSA it is contrary to Policy M8 of the MWLPCS.

Other Matters

24. The appellant contends that use of the site as proposed would be in accordance with the Human Rights Act 1998 and the Crime and Disorder Act 1998. While I have had regard to the provisions of the legislation in relation to the proposal, this does not provide sufficient reason to overcome the harm that has occurred as a result of the appeal proposal. I give limited weight to arguments concerning the energy efficiency of the proposal in terms of not having to tow boats and equipment, particularly given the small number of journeys involved by a single vehicle.
25. A number of other conditions are suggested to limit storage on the site and ensure boats repairs do not take place. These would not, however, overcome the harm that has been found.

Conclusion

26. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

² Ref P21/S3961/CM.