
Appeal Decision

Site visit made on 10 November 2025

by **D Marley BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/D3125/W/25/3369463

Casio Cottage, Westfield Farm, Shilton, Burford, Oxfordshire OX18 4AW

- 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 Stephen Harrison against the decision of West Oxfordshire District Council.
 - The application Ref is 25/00205/FUL.
 - The development proposed is change of use of annexe to short term letting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has set out that they consider that the use of the annexe as a short term let is lawful by virtue of the length of time this use has carried on for. However, within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether or not the development requires planning permission. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 of the Act.
3. Both parties consider that the change of use for which planning permission is sought has already occurred. I am therefore treating the appeal retrospectively.

Main Issue

4. The main issue is whether the development is suitably located having regard to relevant development plan policies concerning tourism and visitor uses.

Reasons

5. The appeal site is a residential outbuilding that lies to the west of the village of Shilton, and is some distance from the built up area associated with the village. The settlements of Burford and Carterton lie further distant. Access to the built up area of Shilton and other nearby settlements from the appeal site is via unlit roads that lack footways.
6. For policy purposes, both the site itself and the village of Shilton lie within a “small villages, hamlets and open countryside” location established in Policy OS2 of the West Oxfordshire Local Plan 2031 (the “Local Plan”). Local Plan Policy E4 sets out the Council’s strategy for sustainable tourist and visitor development. It identifies that new tourism and visitor facilities in such a location may be justified where, amongst other matters, there is a functional linkage with a particular countryside attraction or the nature of the tourist or visitor facility is such that it could not be

reasonably located at identified larger settlements, which would include at Carterton and Burford.

7. The appellant has set out the proximity of a number of tourist, visitor and other attractions to the appeal site. Whilst I accept there are a number of such facilities nearby, the development has, in the majority of cases, no apparent linkage to them other than proximity. The appellant has also identified that the outbuilding has been used on an occasional basis by those undertaking work in association with the nearby Cotswold Wildlife Park. However, such use has been intermittent in nature and of relatively short duration.
8. In my judgement a functional linkage would necessitate a longer term, and more lasting, relationship between the site and the countryside attraction, rather than either proximity or the relatively short period of time and occasional nature set out in the appellant's statement. The manner of uses described by the appellant does not therefore constitute a functional linkage with a particular countryside attraction required by Local Plan Policy E4.
9. I acknowledge the appellant's comments that there are a variety of developments used for tourism and visitor purposes within or near to the village of Shilton. The presence of such existing accommodation is not however sufficient to justify further such accommodation in this location. In addition, whilst the appellant has noted the lack of a hotel in Carterton, it is nevertheless the case that visitor or holiday accommodation can take a variety of forms. I have not been provided evidence that there is an insufficient supply of such accommodation within the settlements of Burford and Carterton or that there are constraints on future provision at these locations. Equally, I have not been directed to a specific need for the outbuilding itself to be used for visitor or tourism purposes. I cannot therefore conclude that such a use could not be reasonably located at a larger settlement.
10. With regards other circumstances set out in Local Plan Policy E4 whereby the development would be acceptable, there is no evidence before me to suggest that the development is used in conjunction with the diversification of a farm enterprise. In addition, the outbuilding is in a residential use and the provisions of Local Plan Policy E3 regarding the re-use of non-residential buildings are therefore not determinative in this instance.
11. The Council has also raised concerns that tourists and visitors using the outbuilding are dependent on the private car. Although the speed limit is 30 miles an hour, pedestrians leaving the site to visit nearby facilities are nevertheless required to share the road with other road users, on a road which lacks streetlights. Equally, whilst my attention has been drawn to the public footpath network, there is limited evidence before me as to its quality and suitability for all users. The settlements of Carterton and Burford, and their associated facilities, are also a significant walk from the outbuilding. Collectively, these matters are likely to disincentivise pedestrians.
12. Whilst the appellant has referenced a bus service and its provision for emergency health use operating from the ends of the village, I do not have full details before me as to the proximity, accessibility, or frequency of the bus service. In any event, pedestrians seeking to use the bus service would be likely to be disincentivised by the road layout I have already identified. Whilst I acknowledge that the appellant

has from time to time assisted previous guests with their transportation needs, this is not a matter that I consider could be reasonably secured via condition, nor is any such mechanism before me in any event. Equally, whilst the appellant raises the potential for the use of bicycles, I have not been provided with details as to the accessibility or suitability of cycle routes near to the appeal site.

13. Given this, I therefore conclude that visitors using the outbuilding are likely to be dependent on the use of the private car for the majority of journeys. The development does not therefore maximise opportunities for walking, cycling and the use of public transport.
14. For the above reasons, I conclude that the development is not suitably located, having regard to relevant development plan policies concerning tourism and visitor uses. The development conflicts with the relevant provisions of Policies OS1, OS2, E4 and T3 of the West Oxfordshire Local Plan 2031, and therefore does not constitute sustainable tourism within the meaning of the development plan. Amongst other matters, these policies require development to be appropriate to a rural location, to encourage the use of non-car modes of transport, and to avoid the creation of new tourism and visitor facilities in small villages, hamlets and the open countryside unless specific circumstances apply.

Other Matters

15. My attention has been drawn to the previous planning permission and associated legal agreement that allows for the use of the annexe by “bona fide short term guests”. However, the evidence submitted by the appellant also identifies that if the use of a building as a holiday let becomes “frequent and business-like”, it may require an application for planning permission. Planning permission has been sought with a description of development that seeks permission for a change of use of the annexe, and I have made my decision on that basis.
16. Whilst the appellant has noted they were not aware of the legal agreement, that there was not a covenant on sale documents, and that they have concerns with how planning matters related to the annexe have been treated by the Council, this does not alter my conclusions with regards this appeal.
17. My attention has been drawn to a number of dismissed appeals in proximity to Shilton. These relate to the creation of new dwellings rather than specifically to the use of an existing residential outbuilding as holiday accommodation. However, my decision is consistent with these appeals insofar as these relate to broad matters of spatial strategy and encouraging alternatives to the use of the private car.
18. My attention has also been drawn to a variety of planning permissions for development in proximity to the appeal site, including for tourism and visitor uses, residential development, and the erection of outbuildings. I have limited details of these before me, and consequently afford these matters limited weight in my determination of the appeal.
19. The appellant has identified that the development is not in close proximity to any listed building or conservation area, however a lack of harm in this regard weighs neutrally in my decision. Whilst I accept that there are some economic benefits arising from the use of the outbuilding for tourism and visitor purposes, given the scale of development these are limited in nature. The development also reuses an

existing building and land that has been previously developed. These matters are not sufficient to outweigh the harm I have identified.

Conclusion

20. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

D Marley

INSPECTOR