
Appeal Decision

Site visit made on 7 March 2014

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 March 2014

Appeal Ref: APP/D3125/H/13/2205839

The Old Swan and Minster Mill Hotel, Old Minster Lovell, Minster Lovell, Witney OX29 0RW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Patrick Jones against the decision of West Oxfordshire District Council.
 - The application Ref 13/0983/P/AC, dated 2 July 2013, was refused by notice dated 27 August 2013.
 - The advertisement proposed is described as a flag mast.
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Decision

1. The appeal is allowed and consent for the display of the advertisement as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The mast shall display a maximum of three flags, each no greater in size than 1.5m x 1m.
 - 2) The flag mast shall not be illuminated.

Procedural Matters

2. The address for the site that was given on the application form was 'The Mill & Old Swan'. This was altered to the 'Old Swan and Minster Mill' on the decision notice and repeated on the appeal form and I have recorded the address as such. This reflects the name of the hotel as I saw it during my visit.
3. The application was retrospective and the flag mast has already been erected.

Main Issue

4. The main issue is the effect of the flag mast on the character, appearance and amenity of the surrounding area, having particular regard to its siting within the Minster Lovell Conservation Area (CA).

Reasons

5. The mast measures 11.5m high with flags flying from the central post and also from steel guys that are fixed to each tip of a horizontal cross bar. It is

- suggested by the Council and some other interested parties that the structure has an inappropriate nautical appearance that is unrelated to the unnavigable stretch of the adjacent River Windrush. The appellant argues an opposing view. Regardless, I have no substantive evidence to support any notion that the form of the flagpole, and its arrangement for flying flags, should uniquely be associated with a maritime environment. Given this, I do not consider that the form of the mast is necessarily incongruous.
6. The structure sits on a lawn behind a low dry stone wall close to the road that runs through the village. It can be seen from a number of vantage points. From some aspects it appears fairly prominent whilst from others it can merely be glimpsed. Nevertheless, it is set adjacent to a group of mature trees and blends comfortably with them, even when the trees are not in leaf. Furthermore, it is of a noticeably slender form and appears well-proportioned such that overall I find that the structure sits comfortably within its riverside setting.
 7. I recognise the historic interest and value of Old Minster Lovell which includes a number of very old and statutorily listed buildings that are reflective of the local vernacular. However, the flag mast sits reasonably isolated in relation to them such that there is no noticeable impact upon the setting of any of these important buildings. Neither can I detect anything in its presence that detracts from the unique character or charm of the village, which retains its individual sense of place.
 8. I appreciate that the flag mast has an impact upon its surroundings by virtue of its visual presence and materials. However, for the reasons I have given I do not find the impact to be harmful to the character or appearance of the area. It follows therefore that, regardless of the structure's intent, the character and appearance of the CA is preserved without any detriment to its significance as a heritage asset. For this same reason I find there to be no harm to the scenic beauty of the Cotswold Area of Outstanding Natural Beauty within which the site is also located.
 9. I have been referred to The West Oxfordshire Design Guide and Policies BE2, BE5, BE15 or NE4 of the West Oxfordshire Local Plan 2011. The Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. Therefore, the Council's policies alone cannot be decisive. However, I have taken them into account as material considerations in my determination of this appeal and can detect no conflict with their overall aims and objectives.
 10. For the reasons I have given I find that the appeal should succeed. In addition to the standard conditions that apply to all consents, in order to safeguard the character and appearance of the area, a condition is required to limit the size and number of flags that can be displayed and to prevent any illumination. However, I see no specific reason to restrict the advertisement to relate just to the Old Swan and Minster Mill Hotel.

John D Allan

INSPECTOR

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