



Goostrey Parish Council

Minutes of the Annual Meeting of the Parish Council on Tuesday 28th May 2024 at 7.30pm in the Village Hall

Present: Cllrs. O'Donoghue (IOD) (Chairman), Morgan (PM) (Vice Chairman), Morris (KM), Rathbone (TR), Freeman (AF), Beckham (NB), Fagan (PF)

In Attendance: E Bambrook, Clerk to the Council (EB), Cllr. A. Kolker (Ward Councillors, Cheshire East Council)

PART ONE MEMBERS OF THE PRESS AND PUBLIC PRESENT

There were five members of the public present. A resident asked whether the bus service could be restored to its former schedule, or at least increased in frequency from two mornings a week. Cllr. Kolker commented that the service is unlikely to be reintroduced as the reality is that Cheshire East Council's financial situation is dire. Residents have also commented that the benches at the junction of Main Road and Boothbed Lane need to be cleaned. The Clerk confirmed that the council do arrange to have the benches cleaned from time to time but would look at getting this done again. There was concern about anti-social behaviour by young people on bikes and mopeds coming through from the unadopted road and the narrow footpath on Sandy Lane. The bikes and mopeds come through at speed, ride on the back wheels and then zig zag through the parked cars. Scratches have been reported on cars although there isn't any proof that these bikes and mopeds are responsible. The times for this activity are early evening. The Clerk confirmed that she would pass this on to the PCSO and would also let the resident know the dates for the police surgeries in June.

A resident thanked the Parish Council for contacting CEC and getting the overgrown path on Brooklands Drive cleared.

05.24.1 Election of Chairman: Cllr. O'Donoghue was elected as Chairman of the Parish Council for 2024/2025 and signed the Declaration of Acceptance of Office.

05.24.2 Election of Vice Chairman: Cllr. Morgan was elected as Vice Chairman of the Parish Council for 2024/2025 and signed the Declaration of Acceptance of Office.

05.24.3 Declarations of interest: No declarations of interest were made.

05.24.4 Apologies for absence: Cllrs. Mooney, Hall and Craggs.

05.24.5 Minutes of the meeting on 23rd April 2024:

Resolved: *The Parish Council resolved to accept the minutes of the Parish Council meeting held on 23rd April 2024 as a true and accurate record of the meeting.*

05.24.6 Appointments: The council agreed to appoint representatives to outside bodies, committees and working groups for the council year 2024/25. It was agreed that Cllr. Beckham would move from the Amenities Committee to the Finance Committee to assist this committee whilst it is without one of its members. This may be subject to change should the situation improve. **See Appendix 1.**

Resolved: *The Council resolved to appoint representatives to outside bodies, committees and working groups for the council year 2024/25.*



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05.24.7 Terms of Reference: The terms of reference for all committees were reviewed, including the two new documents for the Planning and Staff Committees. All terms of reference were amended to read, "A Chairman shall normally serve no more than four consecutive years" rather than "A Chairman shall serve no more than four consecutive years." The reference to a Tree Warden in the Amenities Committee terms of reference was also changed to be Tree Ranger.

Resolved: *The Parish Council resolved to approve the terms of reference for all committees with the agreed changes.*

05.24.8 Assets: The Council's fixed assets and long term investments were reviewed by the Finance Committee on 9th April as part of the process for agreeing the accounts for 2023/2024. The council was presented with this information and it was approved at its meeting on 23rd April. It was agreed that the Finance Committee would review the valuation for the telephone box on Main Road so that the replacement cost is accurately reflected. As the telephone box had been gifted or the purchase value was unknown, it was given a nominal purchase price of £1 which is standard practise, but this doesn't reflect the work to convert it to hold a defibrillator.

05.24.9 Insurance: The council's insurance arrangements for insurance cover were reviewed at the Council meeting on 27th February, prior to payment being required for the 2024/2025 insurance period. The council is in the second year of a 3 year Long Term Agreement with Zurich. The council were advised that cover for contract disputes and debt recovery were now optional. The council decided to add contract dispute cover to the schedule at that time.

05.24.10 Subscriptions: The council's schedule of subscriptions was reviewed. It was agreed that the Village Hall Management Committee should review the Cheshire Community Action subscription for Community Buildings to decide whether membership should be renewed. The Clerk will investigate the Parish Council membership and report back to council. Membership of the local county association, ChALC, was approved so that the council can access the updated model Financial Regulations and the updated version of The Good Councillors Guide. Continued membership will be kept under review.

05.24.11 Standing Orders: The council reviewed its Standing Orders. It was agreed that Standing Order 5 k xiii, Review of inventory of land and other assets including buildings and office equipment, and xiv, Confirmation of arrangements for insurance cover in respect of all insurable risks, would be removed from the list of business to be included at the annual meeting of the Parish Council. These items do not have to be reviewed at the annual meeting, and the date for review and approval is driven by the need to confirm the value of assets for the financial year end and the renewal and payment for insurance cover which is before 31st March each year. These items are covered by the Finance Committee who then make recommendations to council. Approval at the annual meeting is too late.

Resolved: *The council resolved to approve its Standing Orders with the removal of items 5 k xiii and xiv.*



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05.24.12 Financial Regulations: The council reviewed its financial regulations and no changes were proposed. It was noted that an updated version of the model financial regulations is now available but that these would need to be reviewed by the Finance Committee and the non-statutory items tailored to suit the council's processes. It was therefore agreed that the council's financial regulations should be approved.

Resolved: The council resolved to approve its Financial Regulations without change.

05.24.13 Suspension of Standing Order 5. Ordinary Meetings Items K xvi, xvii, xviii, xix: To meet statutory requirements the only items of business that must be conducted at the Annual Meeting of the Parish Council is the election of a chairman. It was therefore proposed that Standing Order 5. Ordinary Meetings Items K xvi, xvii, xviii, xix be deferred to the next full council meeting on 25th June 2024.

Resolved: The Council resolved to defer Standing Order 5 items K xvi, xvii, xviii, xix until the next council meeting on 25th June 2024.

05.24.14 Cheshire East Council (CEC) Matters: Cllr. Kolker was present and reported the following:

- **Annual Meeting:** The new Mayor, Marilyn Houston, was elected at the meeting and Cllr. Sam Corcoran was re-elected by one vote as Council Leader.
- **Children's Services:** These were recently rated as inadequate by Ofsted. The Care Leavers service was assessed as inadequate, however, if one aspect is rated in this way, it applies to the whole service.
- **114 Notice:** There is still a possibility that CEC will have to issue a 114 notice.
- **New Volunteer Program:** This is aimed at supporting people who are being discharged from hospital. Adult Care Services provide the statutory requirement but their time is limited and doesn't provide any social interaction and day to day help. Anyone wishing to volunteer can go to the CEC website and find a link to the initiative. Volunteers will provide a helping hand and a listening ear.
- **Further Cuts to Services:** Cuts to library and leisure services are still being considered.

05.24.15 Committee Matters: To receive reports from the Parish Council Committees:

- a) **Amenities Committee Meeting 1st May 2024:** In the document pack minute 3 refers to 6th May and this should read 6th March. The Clerk has amended this and the minutes have been republished. Cllr. Rathbone was asked whether the projects identified in the draft Strategic Plan were described in further detail in another document. It was explained that these projects were identified by responses to the Village Questionnaire. The scope for each project is produced using this information and is then approved by the committee and then council. Each project is brought forward as time and resources allow.

Motion: The Parish Council resolved to accept the minutes of the Amenities Committee meeting of 1st May 2024 and all the decisions therein.



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05.24.16 Planning Matters:

- a) **Election of Chairman of the Committee:** Cllr. Ken Morris was elected as Chairman of the Planning Committee for 2024/25
- b) **Election of Vice Chairman of the Committee:** Cllr. David Craggs was elected as Vice Chairman of the Planning Committee for 2024/25.
- c) **To receive and consider the following planning applications:**

24/1567C 24, Lea Avenue, Goostrey, CW4 8LT. Demolition of utility and construction of replacement utility/kitchen extension.

Resolved: *The Parish Council resolved to make no comment on planning application 24/1567C.*

24/1252N Heathfield, Blackden Lane, Goostrey, CW4 8DQ. Padel court with associated works.

Resolved: *The Parish Council resolved to object to planning application 24/1252N because the development it is entirely within Open Countryside, outside the Goostrey Settlement Boundary and outside the Domestic Curtilage of Heathfield. It is essentially a 'Change of Use' of land and extension of the curtilage into the Open Countryside. Cheshire East Local Plan Policy PG6 restricts development in the Open Countryside.*

The full objection can be viewed in **Appendix 2**.

- d) **To receive an update on the following planning matters:**

- i. Enforcement Request 23/00154E – Planning application 24/0688C Holly Bank Farm. The Clerk emailed Planning Enforcement on 20th May noting that the application was withdrawn on 25th April, prior to the target decision date of 26th April. Planning Enforcement was asked what would happen now that there is no longer an active application as the council is concerned that, having withdrawn the application, there will be no subsequent planning application and that this will not be picked up and progressed by Planning Enforcement. Failure to address this may set a precedent where the public believe that it is possible to build into the open countryside in Goostrey unopposed. A response is awaited.
- ii. 23/3015C RED LION INN, 3, STATION ROAD, GOOSTREY, CHESHIRE, CW4 8PJ. Formation of new raised external seating area to front/side of public house. Refused 24th November 2023. The committee understands that the applicant has six months in which to appeal and this has now ended. It was agreed that the Clerk would refer this to Planning Enforcement.

Cllr. Morris attended a virtual meeting which included a presentation on the new Local Plan which a Strategic Planning Officer from CEC attended. The Local Plan can't be progressed until the government's plans are known for the timetable and approach to be taken and pre-consultation is taking place in the meantime. Cllr. Morris had a follow up meeting with



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the Officer to discuss some issues and the Officer has agreed to strive for more consistency in the new plan.

Cllr. Morris advised that he send some draft answers to the questions asked in the Local Plan overview document, prior to the Planning meeting on 12th June. He asked that if there were any points arising from the other documents that they are brought to the meeting or sent to him in advance.

05.24.17 Financial Payments: The council reviewed and approved the payments listed on schedule 5/24.

Resolved: The Parish Council approved the payments listed on Schedule 5/24.

05.24.18 Clerk's Report: The contents of the Clerk's report were received and noted.

05.24.19 Highways & Speedwatch

a) **Speedwatch Report:** The contents of the report were received and noted. Three volunteers have confirmed that wish to join a Speedwatch Team. Essential training of the new team of volunteers to revised National Speed Watch Procedures by the PCSO has been programmed by the PCSO for July 2024. SID data continues to demonstrate that speeding is on the increase and it is increasingly important to obtain more PCSO Trucam sessions and to continue to promote the possibility of installation of Average Speed Cameras. SID data for April 2024 includes a genuinely concerning maximum speed of 72mph.

b) **SDU at Shearbrook, Main Road:** The report was received and noted. Note for April 2024 data – Of a total number of vehicles of 34,0075, approximately 6,700 were travelling at over 35 mph. Peak times for vehicles travelling at over 35 mph were 08.00 with 2,487 vehicles and 16.00 with 3,096 vehicles.

05.24.20 Police Matters: The new Police & Crime Commissioner is Dan Price, taking over the previous PCC's program for the year. Each Commissioner produces programs for four years and will be able to bring in his own program if he wins the next election. Cllr. Rathbone will draft a communication regarding average speed cameras.

05.24.21 Annual Governance and Accountability Return for the year 2023/24:

a) **Annual Internal Audit Report 2023/24:** The council received and noted the comments in the annual internal audit report. No recommendations for action were made by the auditor.

b) **Annual Governance Statement:** The council considered and approved the Annual Governance Statement for 2023/24 and the form was signed.

Resolved: The Parish Council resolved to approve the Annual Governance Statement 2023/24.

c) **Accounting Statements:** The Council considered and approved the Accounting Statements for 2023/24 and the form was signed.

Resolved: The Parish Council resolved to approve the Accounting Statements 2023/24.



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05.24.22 Public Inspection Period (Notice of Public Rights): The Clerk/RFO confirmed that the Public Inspection be Monday 3rd June 2024 to Friday 12th July.

05.24.23 Cheshire East Council Consultations: The Cheshire East Household Waste Recycling Centre Consultation formalises the temporary closures of Household Waste and Recycling sites at Bollington, Poynton and Middlewich. All members had reviewed the consultation and the council agreed that the preference would be to avoid option d which would see the Bollington, Poynton and Middlewich sites closed. The council agreed that Cllr. Morgan would submit a response to the consultation by 16th June on behalf of the council.

05.24.24 Minor items and items for the next agenda:

- It was confirmed that Martyn's Law is still a Draft Bill so won't progress until after the general election.
- Cllr. Beckham drew the council's attention to an item from the last VHPFF meeting. The group are looking to replace the astro turf is in poor condition and the tennis club can't play on there anymore. Projected costs are £47,400, VAT at £9,500 and a contingency of £10,000, totalling £66,880 and the VHPFF may be looking to apply for a grant of £10,000 from the Parish Council.
- Cllr. Fagan confirmed that the spitfire for the D Day event on 8th June is not part of the Battle of Britain Memorial Flight and therefore not affected by the recent crash.

05.24.25 Date of Next Meeting: 25th June 2024.

PART TWO

MEMBERS OF THE PRESS AND PUBLIC ARE ASKED TO RETIRE.

In accordance with the Public Bodies (Admission to Meetings) Act 1960, as extended by the Local Government Act of 1972, the press and public are excluded from the meeting for the discussion of the undermentioned items on the grounds that the publication of the matters would be prejudicial to public interest by reason of the confidential nature of the business to be transacted.

***Resolved:** The Parish Council resolved to move to Part Two to discuss confidential matters relating to a councillor's dispensation.*

05.24.26 Councillor Dispensation

The meeting closed at 9.05pm



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APPENDICES

Appendix 1

Goostrey Parish Council Committees 2024 - 2025

The Chairman and Vice Chairman of each committee will be elected at the first meeting of that committee following the Annual Parish Council Meeting.

Amenities Committee

Terence Rathbone – Chairman
Paul Morgan – Vice Chairman
Vacancy
Arthur Freeman
David Craggs
Paddy Fagan

Finance Committee

Ken Morris – Chairman
Arthur Freeman – Vice Chairman
Terence Rathbone
Ian O'Donoghue
Peter Hall
Susan Mooney
Neil Beckham

Planning Committee

Ken Morris - Chairman
David Craggs – Vice Chairman
Neil Beckham
Terence Rathbone
Paul Morgan
Paddy Fagan

Staff Committee

Ian O'Donoghue - Chairman
Paul Morgan
Ken Morris
Terence Rathbone



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Village Hall Management Committee (VHMC)

Neil Beckham - Chairman
Arthur Freeman – Vice Chairman
Peter Hall
Sally Ball – VHPFF
Martin Leake – VHPFF
Edna Brandreth – VHPFF
Lyndsey Atkins – School
Jacqui Schurer-Lewis – School
Vacancy – School

Boothbed Lane Play Area Working Group

Paul Morgan

External Appointments and Liaison Roles

Ken Morris – Jodrell Bank UNESCO Steering Group, Rudheath Quarry Liaison Group
Terence Rathbone – Police Liaison, Speedwatch Liaison, Highways Liaison
Neil Beckham – VHPFF Liaison
Paddy Fagan – FOGS Liaison, Goostrey Parish Archive Liaison
Peter Hall – Manchester Airport Liaison
Ian O’Donoghue – Goostrey Footpaths Group

Goostrey Parish Council (GPC) Objection to Planning Application 24/1252N, Padel Court with Associated Works at Heathfield, Blackden Lane, Goostrey, Cheshire.

GPC Objects to this development because it is entirely within Open Countryside, outside the Goostrey Settlement Boundary and outside the Domestic Curtilage of Heathfield. It is essentially a 'Change of Use' of land and extension of the curtilage into the Open Countryside.

Cheshire East Local Plan Policy PG6 restricts development in the Open Countryside. It is acknowledged that PG6 allows an exception for "development that is essential for the purposes of outdoor recreation". However the application gives no reasons why this development is "essential".

In SADPD Policy RUR6 it says that exceptions will only be allowed if "it can be demonstrated that a countryside location is necessary for the proposal". There is no justification in this application as to why this is "necessary". The examples given in the SADPD RUR6 'Supporting Information' are areas where extensive uses of land are necessary such as golf courses and fishing.

In this case the padel court appears to be for private use only, so there are no public benefits.

No consideration has been given to the noise generated (for example in Padel, the ball can strike the sides of the court as part of the game as in squash).

Figure 1 below shows that the land in question was simply a field, and hedging has now been grown to conceal it. **GPC is concerned that private curtilages should not be allowed to expand or creep into the Open Countryside simply by the expedient of 'hiding' developments behind newly grown hedges.**

We attach Appeal Cases Numbered APP/D3125/C/20/3262127/28 and 3262148/49), in which the Inspector refused a tennis court in the Open Countryside several metres from the dwelling but "some distance from the built-up part of the village" as in this case. Although the court in this Appeal was also screened by hedge planting, the Inspector writes in paragraph 8 that "the limited available views of the court should not be taken as meaning that there is absence of harm to the fabric of the landscape or the visual qualities of the surroundings; rather, it simply means that there are few opportunities for perceiving the harm in the wider area".

Also at paragraph 9 the Inspector writes that "Furthermore, as the longer term retention of the hedges cannot reasonably be assured, there is a clear prospect that they could be significantly reduced in height or removed at some stage in the future, thereby opening up the court and its associated activity to wider views in the surroundings and giving further emphasis to the visual harm caused".

The applicant has submitted Appeal Case APP/J0405/W/21/3288308. However we do not consider this to be relevant as the Inspector makes it clear in paragraph 9 that that this is an isolated site and says “it is part of a narrow sliver of land which has been ‘trapped’ by the re-routing of the B4011 and the construction of the A418 Thame by-pass”and therefore has “a lower sensitivity”. There are no roads of any such magnitude near Blackden Lane and it is not isolated by built development or infrastructure.

Figure 1. View towards Heathfield from Blackden Lane – proposal is in field visible at this time.(Google March 2009)





Appeal Decisions

Site visit made on 4 May 2021

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2021

Appeal A Ref: APP/D3125/C/20/3262127

Appeal B Ref: APP/D3125/C/20/3262128

Lower Farm, Witney Lane, Leafield, Oxfordshire OX29 9PG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Fenella Nicholas (Appeal A) and Mr Ben Nicholas (Appeal B) against an enforcement notice issued by West Oxfordshire District Council.
- The enforcement notice was issued on 23 September 2020.
- The breach of planning control as alleged in the notice is the unauthorised material change in the use of the land from agricultural use to domestic tennis court.
- The requirements of the notice are: (i) Cease the use of the land as a tennis court. (ii) Remove the area of hardstanding; and (iii) Reinstate the land on which the court was located to natural ground level and to a similar condition as the agricultural land immediately surrounding it by seeding it with grass.
- The period for compliance with the requirements is: (i) One month. (ii) and (iii) Four months.
- Appeal A is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Appeal B is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period for Appeal B, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld.

Appeal C Ref: APP/D3125/C/20/3262148

Appeal D Ref: APP/D3125/C/20/3262149

Lower Farm, Witney Lane, Leafield, Oxfordshire OX29 9PG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Fenella Nicholas (Appeal C) and Mr Ben Nicholas (Appeal D) against an enforcement notice issued by West Oxfordshire District Council.
- The enforcement notice was issued on 23 September 2020.
- The breach of planning control as alleged in the notice is the unauthorised construction of a hard surfaced tennis court.
- The requirements of the notice are: (i) Remove the area of hardstanding; and (ii) Reinstate the land on which the court was located to natural ground level and to a similar condition as the agricultural land immediately surrounding it by seeding it with grass.
- The period for compliance with the requirements is four months.
- Appeal C is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Appeal D is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period for Appeal D,

the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of Decision: The appeals are dismissed and the enforcement notice is upheld.

Appeals A and C-Ground (a) appeals

Main Issue

1. The main issue in these appeals is the effect of the tennis court on the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

Landscape and scenic beauty of the AONB

2. Lower Farm is part of a small group of traditional rural buildings located in open countryside within the AONB, some distance from the built-up part of the village. The dwelling and its associated grounds are set within an expansive open landscape, offering far-reaching views across substantial arable fields bounded by hedges and low dry stone walls, with relatively few trees. These factors contribute significantly to the attractive and largely unspoilt rural character and appearance of the surrounding countryside, which forms part of the 'Wychwood Uplands' landscape character area (LCA) in the West Oxfordshire Landscape Character Assessment.
3. The above factors are also largely consistent with the identified landscape characteristics of the '*open limestone wolds*' landscape character type (LCT), which makes up part of the LCA. According to the LCA map, Lower Farm and adjoining land on the east side of Witney Lane forms part of this LCT. Although land to the west forms part of the '*semi-enclosed limestone wolds (smaller-scale)*' LCT, in practice I found there to be little significant difference in the surrounding area in terms of the landscape characteristics of the respective LCTs. Therefore, neither the limited incidences in the vicinity of Lower Farm of smaller fields and taller hedges or the presence of structures associated with animal-rearing activity reflect the overall character and appearance of the surrounding AONB landscape.
4. The tennis court is situated in an L-shaped field, several metres away from the rear of the dwelling. The ground has been dug out by up to approximately 0.5 m at the north-east end of the field, to form the court's level surface. The court has a macadam topped surface finished a light green colour, edged with pavements. There is a low net along the centre line, supported by posts on either side. I am aware that a previous appeal at Lower Farm concerning a similarly-sited tennis court was dismissed in May 2016¹. I have determined these appeals on the basis of the current circumstances.
5. Between the court and the dwelling's established garden is an intervening area of land. The presence of a stable block gives this land a notably rural character and appearance, even though the grass is mown, there is some ornamental planting and horses no longer seem to be kept there. Whilst this land is also accessed from the established garden by a pedestrian gate, a hedge reinforces

¹ Appeal Ref: APP/D3125/W/16/3141891.

- a definite sense of visual as well as physical separation from the dwelling. The field containing the court is beyond the intervening land and although mown with some ornamental planting and a bench seat, it is bounded by hedges with rural fencing and adjoined on three sides by other fields. There is access between the court field and the adjoining fields through significantly sized gaps in the hedges. There is no firm evidence to show that the court field or land between it and the established garden can lawfully be used for purposes other than agriculture.
6. Due to the substantial distance separating the court from the dwelling, together with the predominantly non-residential character and appearance of the land outside the established garden and the proximity of open fields, I consider that the court is not well-related to the dwelling. The court is detached from the dwelling in a location which could not reasonably be regarded as adjoining the outer edge of the established garden. Its location is closely related, visually and physically, to the adjacent fields. These factors have all resulted in an intrusion of development associated with the dwelling into the open countryside.
 7. The reduction in ground levels to form the court has had a modest but nevertheless significant physical effect on the landform of the field. The alterations to the landform together with the hard surface treatment, the angular lines of the edges and the centre net and posts have all given the court a rather 'engineered' profile. This differs considerably from the gentle contours associated with the smoothly rolling landform of the surrounding countryside. The court has therefore appreciably and harmfully eroded, albeit at a small scale, a characteristic feature of the local landscape. The above factors have also given the court a rather harsh and obviously man-made appearance, more typically found in a suburban setting. This is entirely at odds with the softer profiles and more naturalistic visual qualities of the environs, resulting in the court appearing as an alien feature in the otherwise predominantly rural landscape setting.
 8. Unlike in the previous appeal proposal, the court is not surrounded by high chain link fencing. Also, due to the taller hedge planting on the field boundaries and in the vicinity, the court and its associated activity is largely screened in views from beyond Lower Farm. Even so, there is a difference between the impact on the landscape and visual impact. The former is mainly concerned with matters such as local changes to topography and landform or the effects on individual features such as trees and hedges, whilst the latter largely relates to how people will be affected by changes to views and visual amenity at different places. Therefore, the limited available views of the court should not be taken as meaning that there is an absence of harm to the fabric of the landscape or the visual qualities of the surroundings; rather, it simply means that there are few opportunities for perceiving that harm in the wider area.
 9. In any event, as taller hedges are not a characteristic feature of the surrounding largely open landscape, they merely serve to screen the court. Consequently, the hedges have a limited effect in terms of visually integrating the court into its rural context. Furthermore, as the longer term retention of the hedges cannot reasonably be assured, there is a clear prospect that they could be significantly reduced in height or removed at some stage in the future,

thereby opening up the court and its associated activity to wider views in the surroundings and giving further emphasis to the visual harm caused.

10. The appellants supplied the addresses of several other tennis courts as well as manèges located in the wider area. However, as few details were provided, I am not clear whether the circumstances in which any of the examples originated can be compared with the circumstances in these appeals. For instance, it was not made clear whether any of the examples were granted planning permission in the context of current local and national policy. In any event, the presence of other tennis courts in the wider area does not necessarily mean that they are an accepted feature in the local landscape; for example, no reference to tennis courts in the LCA was drawn to my attention. Also, unlike in the case of a tennis court, a manège is unlikely to be found other than in a rural setting. The Council supplied copies of three appeal decisions concerning tennis courts, two of which were in the AONB, although none were recent. As a result, I afford the examples of other developments referred to by the main parties limited weight. Ultimately, I have considered the tennis court in these appeals on the basis of its individual planning merits.
11. Therefore, I conclude that the court has harmfully eroded the landscape and scenic beauty of the AONB. In doing so, the court does not accord with Policy EH1 of the West Oxfordshire Local Plan 2031 (LP). By neither respecting the intrinsic character of the area, protecting the local landscape or conserving the AONB's landscape and scenic beauty, the court does not accord with LP Policy OS2 and for similar reasons it does not accord with LP Policies OS4, EH2 and EH13. Furthermore, as the AONB's landscape and scenic beauty is afforded the highest status of protection the court is inconsistent with the National Planning Policy Framework.

Other matters

12. The outdoor recreation opportunities provided by the court are likely to contribute to the physical health and well-being of the appellants, as well as possibly that of their wider family members and friends. The unavailability of communal recreation facilities at times during the COVID-19 pandemic emphasises the likely role that the court has played and could continue to play in future. Also, I am given to understand that the appellants have offered the use of the court to children from the village primary school. I am mindful that improving residents' health and well-being through increased choice and quality of, amongst other things, recreational facilities, is a core objective of the LP. Similarly, the AONB Management Plan seeks to improve residents' health and well-being through enhancing recreational facilities.
13. Nevertheless, any benefits offered by the court in the above respects are likely to be largely private and limited in scale. Moreover, there is little certainty that the ability of the school to access the court would endure. For instance, future owners of Lower Farm might not wish to continue such an arrangement, whilst it is also entirely possible that the school would deem it unsuitable for children to access the court via roads which largely lack separate footways and lighting and where the national speed limit applies in places. Therefore, any benefits offered by the court do not outweigh the harm to the AONB.

Conclusion on ground (a)

14. The court fails to conserve the landscape and scenic beauty of the AONB, it does not accord with the Development Plan and is inconsistent with the Framework. Therefore, the ground (a) appeals do not succeed.

Appeals A, B, C and D-Ground (g) appeals

15. This ground of appeal concerns whether the time for complying with the requirements of the enforcement notices falls short of what should reasonably be allowed.
16. The four-month period specified in the notices provides ample time in which to undertake the required remedial works, including removing the court and reinstating the affected land to its former profile. Also, due to the date the notices will take effect the compliance period means that the works should in all probability be undertaken during the summer and early autumn. This offers sufficient opportunity for minimising potential damage to surrounding fields and private ways due to any movement of mechanical plant and equipment that might be associated with the works.
17. Accordingly, extending the compliance period to one year would unduly perpetuate the planning harm caused by the breach. The ground (g) appeals fail.

Conclusion

18. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notices and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decisions

19. Appeals A and B-the appeals are dismissed and the enforcement notice is upheld.
20. Appeals C and D-the appeals are dismissed and the enforcement notice is upheld.

Stephen Hawkins

INSPECTOR