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## Appeal Decision

Site visit made on 28 December 2024

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> January 2025

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**Appeal Ref: APP/C3105/W/24/3348177**

**Land to west of Griffin Gate Station Road Blackthorn, Bicester OX25 1TA**

- 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 Goard against the decision of Cherwell District Council .
  - The application Ref is 23/02780/F
  - The development proposed is Detached dwelling/holiday let and associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for Detached dwelling/holiday let and associated works at Land to west of Griffin Gate Station Road Blackthorn, Bicester OX25 1TA in accordance with the terms of the application, Ref 23/02780/F and the plans submitted with it, subject to the schedule of conditions attached to this decision.

### Main Issues

2. The Main Issues are:
  - the effect of the development upon the character and appearance of the area, and
  - living conditions for occupiers of the proposed dwelling/holiday let.

### Reasons

#### *Character and Appearance*

3. The Council suggest the site within the settlement of Blackthorn would not be an 'infill' plot but record that the principle of development is acceptable in this Category B village. The proposed dwelling would be single storey, with outlook at the rear to the north-west towards Station Road over a grassy verge, and to the south-east the principal (entrance) elevation would be fronted by a small garden and parking area.
4. The proposed dwelling would be at the northern corner of an established group of dwellings irregularly arranged and grouped tightly such that outdoor amenity spaces are in many cases both modest and overlooked. The area to the north of the site is more open with dwellings set back from Station Road. The proposed dwelling/holiday let would occupy a small quadrant-shaped plot bounded by two of these cottages; the blind rear elevation of 'The Chestnuts' to the south-west which sits side on to Station Road, and White Thorn Cottage to the

south-east with its principal elevation looking towards the proposed dwelling but retaining outlook past what would be built.

5. The Council acknowledge the character of the surrounding area is 'close-knit' and it is apparent that the character of the locality is formed from the informal development pattern and varied vernacular built form. The Council's commentary on the relationship of the proposal with neighbouring built form suggests, on the one hand that the building would be cramped in its relationship with surrounding buildings but also 'dwarfed due to its lower eaves and ridge height' in relation to the surroundings. However, an extant permission exists for a similarly-located but smaller timber-clad storage building in a similar position to the proposed dwelling which would also be on the site of an earlier barn-shaped agricultural building in that position. Whilst there are differences in size (and appearance due to its intended use compared to the approved outbuilding) the construction of a building in this location which suitably references traditional structures in design and use of materials would not be inconsistent with the informal development pattern of this small village and not, therefore, unduly cramped.
6. I conclude that the proposal would accord with the objectives of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 July 2015 (CLP Part 1) which expects new development to complement and enhance the character of its context through sensitive siting and high quality design.

#### *Living Conditions*

7. The development would be a small single dwelling with a small garden. The Council appear to criticise the proposal on the basis that the floor area is the 'minimum' because it is no larger than the relevant National Described Space Standards but do not explain how that makes it unacceptable. They also refer to the 'cramped relationship' causing a lack of privacy by reference to the proximity of White Thorn Cottage.
8. Saved Policy C30 of the Cherwell Local Plan 1996 (CLP 1996) at (iii) requires that new housing development should provide standards of amenity and privacy '*acceptable to the local planning authority*' which seems to invite detailed guidance. The Council's officer report refers to falling below "*a minimum back-to-back distance of 22m*" by reference to the Council's Residential Design Guide but it has not been made clear where this is to be found to clarify the meaning of 'back to back' and how that might be applied to the matter before me.
9. It is not the case that there need be direct intervisibility between the main living rooms of these dwellings at ground level as might be inferred from what appears at 2.10 of the Council's comments. This is because there is an entirely appropriate expectation of intervening hedging/high fencing at the boundary in common with most residential gardens, and this can be ensured by condition. I also note that the main living room/kitchen of the proposed dwelling is triple aspect and this allows some choice to be exercised as to whether blinds are used by occupiers. Overlooking of the garden from the first floor windows of Whitethorn Cottage would be possible if the users of those rooms desired. Also the window of the proposal's living room in its south-east elevation would be visible from the same upper floor windows. However, overlooking of adjoining gardens from bedroom windows is neither uncommon in conventional suburban layouts nor absent in tight-knit rural housing which is often highly sought after for other reasons. Given that prospective

occupiers of a small house such as proposed are likely to be comparing its amenities with other dwellings of similar price it is material that an apartment may, at best, have a balcony as personal outdoor space with glazed access doors in which regard the admittedly modest garden and potentially overlooked access window compares favourably. Overall, I do not consider deficiencies as to privacy to be a significant impairment of living conditions having regard to the nature of the dwelling proposed and its setting.

10. Notwithstanding the limitations pointed to by the Council, the proposal would provide a dwelling which is likely to be more affordable than most in a rural area and would provide a good quality living environment for one or two persons. I find little conflict with Policy ESD15 of the CLP Part 1 which seeks consideration of the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

### **Other matters and conclusion**

11. The appellant's statement of case refers to an inadequate housing land supply in the district and to an appeal decision<sup>1</sup>. Subsequent to the site visit the agent has provided evidence of a Council-authored report on another matter that indicates the Council accept they are no longer in a position to demonstrate a Framework-compliant housing land supply. I have not sought the Council's comments on this because my conclusions on the two main issues indicate it is not necessary to consider whether the 'tilted balance' need be applied or thereby to further delay the decision. However, I note the absence of rebuttal and consider this adds weight in favour of the proposal. In such circumstances even a single dwelling stands in favour of the proposal.
12. I have concluded that the proposed dwelling would not be inconsistent with, or harmful to, the character of the surrounding area and that the proposal would provide an acceptable standard of privacy and amenity for occupiers. On that basis, for the reasons given and taking all matters raised into account, the appeal succeeds subject to the usual plans and timing conditions. In addition the Council have suggested conditions which I have considered having regard to the tests set out in National Policy and the basis of my decision. The constrained nature of the site requires that, express permission absent, rights to extend the approved dwelling or construct outbuildings should be removed. Details of boundary treatment to ensure there is no intervisibility between the plots at ground level; measures to reduce water usage; to provide cycle parking and to ensure car parking arrangements are implemented are all necessary having regard to the provisions in the Development Plan and the basis by which I have reached my decision. However, as the approved drawings stipulate the use of suitable materials a condition to that effect is not necessary nor is there anything before me to suggest that the site has been used previously in a way which might risk contamination being discovered and therefore those suggested conditions are not necessary.

*Andrew Boughton*

INSPECTOR

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<sup>1</sup> APP/C3105/W/23/3326761

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PA 102, PA 103.
- 3) Full details of the enclosures along the boundaries of the site that adjoin Whitethorn Cottage shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the dwelling.
- 4) Notwithstanding the provisions of Schedule 2, Part 1, Classes A-E inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no outbuilding shall be constructed nor shall additional windows or doors be inserted, or any enlargement or alteration of any part of the development hereby approved be undertaken at any time without the express permission by the Local Planning Authority.
- 5) Prior to the first occupation of the development, the turning area and car parking spaces shown on the approved plans shall be constructed and retained for the lifetime of the development.
- 6) The dwelling shall not be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.
- 7) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities for two cycles shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.