



---

## Appeal Decision

Site visit made on 14 January 2025

by **Rachel Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5<sup>th</sup> February 2025

---

**Appeal Ref: APP/C3105/W/24/3350881**

**Former Paddocks, Land off Backside Lane, Sibford Gower**

**(Grid Ref 435199 238160)**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Messrs P, S, S & B Watts, Craven, Antac and Sabin against the decision of Cherwell District Council.
  - The application Ref is 24/01766/PIP.
  - The development proposed is permission in principle for up to 5 no. dwellings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when detailed proposals are assessed. This appeal relates to the first of these two stages.
3. A revised National Planning Policy Framework (Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on the implications of this policy change in relation to the appeal. Any comments provided have been taken into account in this decision.
4. Subsequent to the publication of the Framework, the Council has advised that it cannot demonstrate a five-year housing land supply. The Council further commented that it was not able to confirm the extent of its shortfall at the time of writing. Nonetheless, in the absence of a five-year housing land supply, paragraph 11.d) of the Framework is engaged. I return to this subsequently.

### Main Issues

5. The main issues are whether the location, land use and amount of the proposed development is acceptable, having regard to:
  - the development strategy and the site's accessibility to services, facilities and sustainable transport modes;
  - its effect on the character and appearance of its surroundings; and
  - the need to make efficient use of land.

## Reasons

### *Development strategy and site accessibility*

6. Under Policy Villages 1 of the Cherwell Local Plan 2001-2031 (July 2015) (Local Plan), Sibford Gower is defined as a category A service village where minor development is acceptable within the built-up limits of the village. As there is no settlement boundary for Sibford Gower, whether or not the appeal site is situated within its built-up limits falls to a matter of judgement based on site specific circumstances.
7. The appeal site comprises a paddock bound by residential development on two sides. However, its western boundary comprises a hedge, beyond which are open fields. Also, its northern boundary comprises a subdivision of the paddock itself, beyond which are trees and what appears as farmland. As such, the proposal would extend the village's existing built form into open countryside. Consequently, although the proposal would comprise minor development, it would not be within the built-up limits of Sibford Gower.
8. Sibford Gower is a rural village with a small number of local services and facilities including a primary school, village hall, GP surgery and public house. Access to these from the appeal site would require walking the length of the site access and then the unmade surface of Backside Lane (the Lane), which itself is without pavements, as well as sections of unlit roads, some of which are also without pavements. Given the narrowness of the rural roads, including Pound Lane at its junction with the Lane, there are limited places for pedestrians to step off the road to let vehicles pass. These constraints would likely be a considerable deterrent to future occupants of the proposal choosing to walk to facilities within the village, particularly in poor weather or during hours of darkness.
9. There are bus connections through the village providing some connectivity with Stratford-upon-Avon and Banbury and a service to Chipping Norton School. Although these might reduce some trips by car, evidence indicates that the service to Stratford and Banbury would be unlikely to be of sufficient frequency to provide a realistic alternative for regular travel. Limited other facilities are available in Sibford Ferris and Burdrop, albeit future occupants would be likely to opt to drive to those given the narrow, unlit rural lanes and steep topography that would make cycling challenging. In addition, given the rural nature of the area, future occupants of the proposal would likely need to rely on travel by car to access employment further afield, and to meet other day to day needs.
10. The appellant refers to an appeal decision<sup>1</sup> which is said to confirm that Sibford Gower, Burdrop and Sibford Ferris are categorised as a single 'cluster' village in Policy Villages 1. Nonetheless, in that decision, the proposal was found to be within the built-up limits of Sibford Ferris, and within reasonable walking distance of a convenience store and post office. Whereas in this instance, I consider the appeal site to be outside the built-up limits of Sibford Gower, with considerable limitations to access to local facilities by sustainable modes. As such, the presence of the cluster of villages does not alter that the appeal scheme would be subject to notable accessibility constraints.

---

<sup>1</sup> Ref APP/C3105/W/23/3329834

11. Therefore, the proposal would not be acceptable having regard to the development strategy and the site's accessibility to services, facilities and sustainable transport modes. It would thus conflict with Policy Villages 1. In addition, the proposal would not comprise one of the types of development permitted outside of the built-up limits under saved Policy H18 of the Cherwell Local Plan (November 1996) (CLP). It would also conflict with Policy ESD1 and SLE 4 of the Local Plan which generally seek to ensure proposals are located in the most sustainable locations and minimise dependence on private cars.

#### *Character and appearance*

12. As an undeveloped area of land, the appeal site makes a positive contribution to the rural setting of the village. Houses on the Lane generally front on to it creating a linear pattern of development. The appeal site would be accessed from a track running perpendicular to the Lane. The track currently provides access to a single dwelling that is set well back from the Lane, thus the proposal would appear as a continuation of that existing access.
13. The layout of houses within the appeal site is not for consideration within this appeal. Nevertheless, the indicative site layout (drawing Ref SK24-56-11) shows a possible layout where houses are positioned in a linear form. That would appear to continue the existing line of built form comprised of houses known as Bottom End, Hide A Ways and Littlebury. The introduction of up to five dwellings to the appeal site would diminish the rural character of this undeveloped open land to a certain extent. However, given the set back of the site from the Lane, I am satisfied that the proposal could be designed such that it would not appear intrusive from the public right of way that runs along the Lane.
14. Local residents have raised concerns about the visibility of two storey dwellings on the appeal site from the Cotswold National Landscape, including from 'Ditch Edge'. There are undulations in the topography of the appeal site and surrounding landscape, but the site is not particularly prominent relative to surrounding land. Furthermore, the proposal would be viewed against the backdrop of existing houses and gardens on the edge of the village, including those on High Meadow. In addition, the scale of the proposed dwellings and landscaping details could be controlled at technical details stage. Consequently, I am satisfied that it could be designed such that it would not appear conspicuous from surrounding countryside or cause harm to the setting of the National Landscape and Sibford Ferris, Sibford Gower and Burdrop Conservation Area (CA).
15. Therefore, the proposed development is acceptable having regard to its effect on the character and appearance of its surroundings. Consequently, it would accord with Policy ESD15 of the Local Plan and saved Policy C28 of the CLP. These generally seek to ensure developments achieve high quality design. The proposal would also accord with Policy ESD13 which amongst other matters seeks to ensure proposals maintain and enhance local landscape character.

#### *Efficient use of land*

16. Policy BSC2 of the Local Plan seeks to ensure developments make efficient use of land and it seeks a housing density of at least 30 dwellings per hectare unless justified otherwise. It is not a matter in dispute between the main parties that delivery of the maximum of five dwellings proposed on the appeal site would achieve a density well below that level. Nonetheless, a lower density of

development would be appropriate here, given the site's edge of village location. As such, there is justification for achieving a lower density of development. Therefore, the proposed development is acceptable having regard to the need to make efficient use of land. It would thus accord with Policy BSC2 of the Local Plan.

### **Other Matters and Planning Balance**

17. The location of the proposal would conflict with Policy Villages 1 of the Local Plan and saved Policy H18 of the CLP, as the site lies outside the built-up limits of the village. I have also found related conflict with Local Plan Policies ESD1 and SLE4. Saved Policy H18 is restrictive relative to the approach in the Framework, seeking to protect the countryside for its own sake. Nevertheless, for the purposes of this appeal Local Plan Policy Villages 1, Policy ESD1 and Policy SLE4 are broadly consistent with the Framework, in seeking to focus development on the most sustainable locations and facilitate sustainable transport use. As such, the conflict with those policies attracts considerable weight. Therefore, despite compliance in relation to matters such as character and appearance, the proposal conflicts with the development plan as a whole.
18. However, as the Council is unable to demonstrate a five-year supply of housing, paragraph 11.d) of the Framework is engaged. The Framework seeks to boost significantly the supply of housing provision. Therefore, the development of up to five dwellings would make a small contribution to meeting Cherwell's housing need. Small sites can make an important contribution and be built out relatively quickly. Economic advantages would also arise from construction and occupation of the proposal. I accept that it may be possible for information submitted at technical details consent stage to resolve matters such as highway safety, biodiversity, drainage, housing mix and the living conditions of neighbours. Compliance on those matters are neutral considerations.
19. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Also, the development of up to five homes adjoining a rural village may help to support rural services and facilities in nearby villages. Nonetheless, for the reasons given, future occupants of the proposal would be largely dependent on travel by private car resulting in a harmful increase in associated emissions that would be likely to endure for the foreseeable future.
20. As such, even if the extent of the Council's housing land supply shortfall is considerable, the adverse impact of the location of the development would significantly and demonstrably outweigh the combination of its benefits, when assessed against the policies in the Framework as a whole. Consequently, the proposal does not represent sustainable development.

### **Conclusion**

21. Therefore, the appeal scheme is contrary to the development plan as a whole and there are no material considerations, including the provisions in the Framework, that outweigh this finding. Accordingly, the appeal should be dismissed.

*Rachel Hall*

INSPECTOR