



Appeal Decision

Site visit made on 25 February 2025

by A O'Neill BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/C3105/W/24/3354739

Land Adjacent to 6 Lake View, Cottisford NN13 5ST

- 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 Andrew Broadbent against the decision of Cherwell District Council.
 - The application Ref is 24/00249/F.
 - The development proposed is described as: New detached 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework was published in December 2024, after this appeal was lodged. However, the deadlines for statements post-date the publication of the Framework. I am therefore satisfied that all parties have had opportunity to make comments in relation to the revised Framework.

Main Issue

3. The main issue is whether the proposed dwelling would be a suitable location for housing, having regard to the Council's strategy for the location of development.

Reasons

4. Policies in the Cherwell Local Plan (CLP) 2015 are focussed on delivering sustainable development. At a strategic level, CLP Policy ESD1 seeks to mitigate the impact of development on climate change by, amongst other things, requiring growth to be distributed to the most sustainable locations in the District, as defined in the CLP.
5. CLP Policy Villages 1 categorises the District's villages to guide the consideration of proposals for residential development within the built up limits of settlements. The supporting text for Policy Villages 1 explains the purpose of the policy is to ensure that development is supported by services and facilities does not unnecessarily exacerbate travel patterns that are overly reliant on the private car.
6. Cottisford is categorised as a Category C village in Policy Villages 1. Category C represents the least sustainable rural settlements in the categorisation. Policy Villages 1 allows for residential development which constitutes infilling or change of use within the built limits of Category C villages.
7. Cottisford is a small and dispersed rural settlement. The settlement is comprised predominantly of residential properties. The main parties agree that the appeal

site lies within the built limits of the settlement, and I have no reason to reach a different conclusion.

8. The supporting text to Policy Villages 1 defines infilling as “the development of a small gap in an otherwise continuous built-up frontage” (paragraph C.264). Although this definition is not contained within the wording of the policy, it nevertheless underpins it and provides clarity on how it should be understood and applied.
9. The appeal site is located at the end of a row of existing houses. There is built-up development to the left side of the appeal site. However, to the right side and rear of the appeal site there is no built-up development. As the space to the side and rear of the appeal site is largely undeveloped and devoid of structures, it is not perceived in its context as a small gap or forming part of a continuous built-up frontage.
10. I acknowledge the presence of Hethe Road to the right side of the appeal site. This has the appearance of a solid and engineered surface, yet it does not contain any physical structures or buildings that would, in my view, appear as “built-up” or be viewed as part of the frontage with other forms of development. Therefore, the appeal site does not meet the CLP definition of infilling.
11. Whilst the appeal site is located within the built-up limits of Cottisford, the proposal does not constitute change of use and the site does not meet the CLP definition of infilling. As such, the appeal proposal conflicts with Policy Villages 1.
12. I have had regard to the examples of other decisions where it is suggested the definition of infilling has not been strictly adhered to. However, these sites are located in other category C villages and have different contexts to the appeal site. As such, I have found that they do not influence my consideration of this appeal proposal, which I have determined on its own merits.
13. Another requirement of Policy ESD1 is the delivery of development that seeks to reduce the need to travel, and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
14. The village bus stop is located close to the appeal site. There is one bus route which serves the village providing access to the town of Bicester in approximately 30 minutes. Bicester has a range of services and facilities and access to train services. However, the bus service only stops in the village 5 times per day, with the final stop being drop-off only. The service does not operate on Sundays. I am not satisfied that this would provide convenient access to services and facilities. As a result, there is likely to be a reliance on private vehicles for travel to Bicester.
15. The appellant identifies the nearest convenience store to the appeal site is at the village of Croughton, along with employment opportunities at RAF Croughton, some 5 miles from the appeal site. Croughton is not accessible by bus from Cottisford. It is suggested that RAF Croughton can be accessed by bicycle within 20 minutes.
16. There are no dedicated footpaths, cycle lanes or streetlights for much of the roads between Cottisford and Croughton. The routes are primarily at the national speed limit and would also require travel on the A43 dual carriageway. As such, they are

not particularly desirable routes for cycling, especially in the winter months. Therefore, cycling is unlikely to be a realistic alternative to a private vehicle for travel to Croughton.

17. The distance to the nearest convenience store as well as the limited availability of public transport mean that there would likely be a daily reliance on the use of private cars. Permitting the proposed dwelling would be harmful in that the strategy for the distribution of housing would be undermined as car borne travel would be encouraged. Given that the proposal would be inconsistent with an important element of the Council's approach to development I have judged the magnitude of harm to be significant. The appeal proposal would therefore conflict with the requirement of Policy ESD1 to encourage sustainable travel options and reduce dependence on private cars.
18. Taking all of the above into account, I find that the proposed dwelling would not be in a suitable location having regard to the Council's strategy for the location of development contained in CLP Policies ESD1 and Villages 1.

Other Matters

19. The appeal site is located within the New Village character area of the Cottisford Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
20. Buildings in the New Village character area of the CA are entirely residential and represent several phases of house building in the village. The houses on Lake View, built in the twentieth century, are the most modern buildings in the CA. They do not show the kind of architectural merit or local vernacular building typologies that contribute to the significance of the CA.
21. The proposed dwelling has been designed to reflect the character, proportions and scale of the neighbouring houses on Lake View. As such, I consider the character and appearance of the CA as a whole would be preserved. I note that the Council raised no objection in this regard either. Nevertheless, this lack of harm weighs neutrally and does not amount to a consideration in support of the appeal or alter my overall conclusions on the main issue.

Planning Balance

22. The appeal site location conflicts with CLP policies ESD1 and Villages 1 which direct development to the most sustainable locations in the District. They also seek to reduce the need to travel and encourage more sustainable modes of transport in preference to journeys by car. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use. Therefore, the conflict between the proposal and Policies ESD1 and Villages 1 should be given significant weight in this appeal.
23. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would a conflict with the development plan as a whole.

24. As a consequence of the publication of the revised Framework, the Council has confirmed that it cannot currently demonstrate a five year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. The balance in paragraph 11 d) ii) of the Framework is therefore engaged.
25. Paragraph 11 d) ii) states planning permission should be granted unless “*any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Having particular regard to key policies for directing development to sustainable locations...*”.
26. The Framework seeks to significantly boost the supply of homes. Although the Council has not specified the extent of its shortfall, a single dwelling would make a minor contribution to the overall supply of housing. I therefore attribute this benefit limited weight.
27. The appellant indicates that the proposal would provide economic benefits. I acknowledge that there would be some economic uplift in the local economy during the construction process and from the future spending of occupiers. However, the contribution of 1 dwelling to the housing supply would be minimal and as such those benefits only attract limited weight. Modest environmental and social benefits are also cited, however the appellant has not specified in any detail what those benefits are, and how those matters weigh in favour of the proposal.
28. The Framework does acknowledge that sustainable transport solutions will vary between urban and rural areas. However, it also requires development to promote walking, cycling and public transport use. I have found that the appeal site location would have limited potential to promote such sustainable transport use.
29. Consequently, the adverse impacts on the Council’s development strategy and of increasing travel by private vehicle would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

30. For the reasons given above, the proposal conflicts with the development plan overall and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR