



## Appeal Decision

Hearing held on 4 March 2025

Site visit made on 4 March 2025. Viewpoint visits made on 4 and 5 March 2025

by **Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

**Decision date: 14 April 2025**

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**Appeal Ref: APP/D3125/W/24/3344303**

**Disused Quarry and Land, Greenend Road, Chadlington, Oxfordshire 430954 221599**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Phil Dobson against the decision of West Oxfordshire District Council.
- The application Ref 22/01147/FUL, dated 22 April 2022, was refused by notice dated 19 December 2023.
- The development proposed is a single dwelling (Para 84e house), detached gatehouse, garage, office, landscape enhancements, SuDs/ephemeral ponds, landscaped mounds, and associated works.



Proposed development: view along the quarry face

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## **Decision**

1. The appeal is dismissed.

## **Procedural matters**

2. Before the Hearing, the appellant presented amended plans to make a change in the area of the application site (red line). The change would incorporate within the application site the same pump-house, which is presently indicated outside the application site, but in an area marked as land owned by the applicant (blue line). The pump house was incorporated in the description of development.
3. While the pump house is a small part of the gross development footprint, it is nonetheless a building of considerable size, and it would be sited further up the hill from the main site, its elevation increasing its exposure in views, and the extent of the development's footprint. This would be a fundamental change. It would ultimately result in a different application. To accept this change would cause unlawful, procedural unfairness. I have therefore considered the appeal against the same plans that the Council saw when they determined the application. I have amended the description of development accordingly. While the name of the planning applicant incorporated a company name in addition to a personal name, the appeal was made in the appellant's personal name only.

## **Main issues**

4. The site of the proposed house is surrounded by open agricultural fields. It is part of the Cotswolds Area of Outstanding Natural Beauty, now referred to as the Cotswolds National Landscape. The proposed development would be an isolated home in the countryside. None of the circumstances (a) to (d) in paragraph 84 of the National Planning Policy Framework (the Framework) apply to the whole development.
5. The main issues are therefore, with regard to the statutory duty to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, to the development plan, and to national planning policies which control the development of isolated homes in the countryside and in the Cotswolds National Landscape, whether the design of the proposed development is of exceptional quality, and meets the location circumstances necessary for approval, in that it:
  - a) is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;
  - b) would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area; and,
  - c) would conserve and enhance the natural beauty of the Cotswolds National Landscape.

## Reasons

### *Policy and statute*

6. In the open countryside, policy H2 of the West Oxfordshire Local Plan 2031 (LP) permits new dwellings in the open countryside where the development is of exceptional quality or innovative design and where they comply with the general principles set out in LP policy OS2. LP policy H2 applies to dwellings in the open countryside whereas paragraph 84 of the Framework applies to isolated dwellings in the countryside. While this inconsistency between the Local Plan and the Framework is noted, in the circumstances of this appeal where the isolation of the dwelling is not disputed, the reduction in the weight I give to LP policy H2 is minimal.
7. The most relevant of the general principles in LP policy OS2 are that development should:
  - in the Cotswolds Area of Outstanding Natural Beauty give great weight to conserving landscape and scenic beauty;
  - as far as is reasonably possible, protect or enhance the local landscape and the setting of the settlements;
  - conserve and enhance the natural, historic, and built environment; and,
  - be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality.
8. LP policy EH2 requires development to conserve and where possible enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape including stone walls, trees, hedges, and woodlands. LP policy OS4 says that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings. LP policy EH3 says that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. LP policy OS3 requires development proposals to minimise the use of non-renewable resources and to minimise energy demand and loss.
9. The statutory purposes of National Landscapes with Conservation Boards are:
  - to conserve and to enhance the natural beauty of the area of outstanding natural beauty; and,
  - to increase the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty.
10. Section 85 of The Countryside and Rights of Way Act 2000 requires a relevant authority to seek to further the purpose of conserving and enhancing the natural beauty of an area of

outstanding natural beauty. Government guidance<sup>1</sup> states that the duty means, amongst other factors, that as far as is reasonably practical, relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes.

11. The Framework describes National Landscapes as having the highest status of protection in relation to landscape and scenic beauty, to the conservation and enhancement of which great weight should be given. The conservation and enhancement of wildlife and cultural heritage, it says, are also important considerations in these areas. This differs from LP policy EH1, which requires that great weight be given to conserving and enhancing not only the area's natural beauty and landscape, but also the countryside, including its wildlife and heritage. This degree of inconsistency with the Framework limits the weight I can give to LP policy EH1.
12. The Framework indicates in paragraph 139(b) that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Paragraph 84 of the Framework says that decisions should avoid the development of isolated homes in the countryside unless one or more of five circumstances apply. Circumstance (e) is given above, in the main issue. However, circumstance (c), where the development would re-use redundant or disused buildings and enhance its immediate setting, also has some relevance.

### *Context*

13. The special qualities, or the aspects of the area's natural beauty which make the area distinctive, and which are considered valuable, are set out in the Cotswolds National Landscape Management Plan 2023-2025 (Management Plan). The qualities most relevant here include the unifying character of its limestone geology and its presence in the landscape as a building material; views to and from the National Landscape; the high wolds – a large, open, elevated, predominately arable landscape with commons; 'big' skies and long-distance views; distinctive dry stone walls, flower-rich grasslands; the tranquillity of the area, away from major sources of inappropriate noise, development, visual clutter and pollution; extensive, dark sky areas; and, distinctive settlements, developed in the Cotswold vernacular, with high architectural quality and integrity.

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<sup>1</sup> Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes, December 2024

14. From what I saw of the area during my site visit, as well as the appellant's Landscape and Visual Appraisal and Design Analysis, and the published assessments<sup>2</sup>, many referred to within it, my impression of the key characteristics of the landscape in the area are similar to those captured by both parties. The site forms part of this high limestone wold, the open, rolling ridges, valleys, and vales of which contain an exposed undulating, planned enclosure of arable landscape, with a predominantly rectilinear field pattern. Tree cover is scant, and generally in small copses. Field boundary walls of local stone are characteristic, as are disused, small-scale quarries, many hidden from view by scrub growth and tree copses. Here the expanse of the horizon accents the dominance of the sky. Long, sweeping views across this landscape are a feature.
15. While most of the land is open and intensively farmed for arable, isolated farmsteads and dwellings are a feature of the area, generally at field corners and accessed from roads via tracks or along field boundaries. Indeed, there are farmsteads or dwellings in three directions, within around 800m. The site lies 1.4km from the nearest settlement, the village of Chadlington.

*Pattern of development*

16. The nearest developments to the site, to the west the converted Barter's Hill Farmhouse, and to the east Blaythorne House farmstead, are separated by around 1,500m. This sparse spacing of farmsteads, suggested<sup>3</sup> as being the product of parliamentary enclosure, makes the landscape feel open and tranquil. One of the special qualities of the high wolds is their large, open, predominantly arable landscape and their tranquillity, away from development. Developing here would make three houses or farmsteads, where there are presently only two. The separation of development would reduce substantially. This tightening of the spacing of development cannot but undermine to some degree that particular special, spatial quality of this landscape.
17. However, there are spacings of development similar to what would result here further down the hill in Pudlicote, and even closer spacings, uphill at Sarsden. Though these may not be close neighbours to the appeal site, they have a bearing on the pattern of development in this area. I acknowledge that the pattern of development here has been prompted by the working of the land and that some loosely clustered houses or farmsteads may be the consequence. Nonetheless, the pattern of development is what it is. As the Council put it, the National Landscape is somewhat unusual in that it 'is not generally a wild landscape but one where the influence of man is an integral feature in terms of the way that field

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<sup>2</sup> Cotswolds National Landscape Character Assessment 2002; Cotswolds National Landscape Local Distinctiveness and Landscape Change 2003; Cotswolds National Landscape Strategy and Guidelines 2016; Natural England's National Character Area Profile 107 Cotswolds; Oxfordshire Wildlife and Landscape Study (OWLS); West Oxfordshire Landscape Assessment 1998.  
<sup>3</sup> Cotswolds National Landscape Character Assessment 2002, Cotswolds AONB Partnership, page 99

boundaries, including dry stone walls and picturesque historic stone settlements, add to so many views<sup>4</sup>. From what I saw of the landscape here, the influence of man now also includes isolated farmsteads or houses.

18. There would inevitably be some harm to the spatial pattern of development from the development of this site for a house, and hence some undermining of the National Landscape's special qualities. It would conflict with LP policy EH1 where it gives great weight to conserving and enhancing the National Landscape's natural beauty and landscape, and LP policy OS2 where it gives great weight to conserving landscape and scenic beauty and requires development to conserve and enhance the natural environment, to respect the intrinsic character of the area, and to form a logical complement to the existing scale and pattern of development, having regard to the potential cumulative impact of development in the locality.
19. It would also conflict with the Framework which indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, and which requires decisions to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and by protecting and enhancing valued landscapes. However, because of the existing spacing of development in this area, this harm should be weighed in the balance.

#### *Design approach*

20. There are three layers in the thinking behind the design of this development of a dis-used, shallow quarry, or delve, with its access track and barn, begun towards the close of the C19 and abandoned a century later. The first is to site secondary buildings directly against the boundary walls, reducing the amount of new walling needed. This is a construction economy visible in some of the small, agricultural buildings in this area. The second layer is to build part of the main building into the slope of the ground, making its exposed wall suggestive of a quarry face; the quarry building. The final layer is to balance lightly upon the quarry building a pavilion, as part of the main building.
21. This architectural approach has the potential to ground the house to its site, reflecting something of the agricultural vernacular and local history, while allowing space for the architect's imagination to design a building that enhances the natural beauty, special qualities, and key characteristics of the Cotswolds National Landscape.
22. The pavilion would be partly displaced from the quarry base, dissecting the main building, both horizontally and vertically. It would appear to cantilever out dramatically from the base, albeit likely being simply supported, with the open space below it reducing its

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<sup>4</sup> LPA Statement of Case paragraph 1.10

- connection to the ground. Given the deformation of the land which the appellant's extrapolations show, whether natural or by quarrying, some architectural drama is not out of place here.
23. There is seldom a moment where the two main planes of the quarry building and the pavilion align. This arrangement would lighten the mass of the main building and reduce the effect of its overall height. The space below the 'cantilever' would connect the building to its almost liminal foreground and signal the destination of the processional entry into the house, leading to a series of delightful spaces within, and wondrous views out.
24. The two distinct elements of the main building would present a contrast between a 'heavy' grounded base, and a freer, lighter looking, and oversailing pavilion. The peculiarity in the quarry wall line, the solidity and textures of its hewn stone facing, its irregular opening sizes and misaligned heads and cills versus the lighter, machine-made materials and sleek detailing of the clean-lined pavilion would emphasise the contrast between their two forms, as well as the different nature of the spaces they contain.
25. The siting of the secondary buildings does not reflect the strict, orthogonal order and proximity of the site layouts which characterise local farmsteads. Nor is their purpose to form enclosures to the spaces between them. However, some of the boundary positions which enclose the quarry appear to date from its opening. Like the site itself and its extent being defined by the extraction of the limestone bed, they are a given; an artifact. The site area is not excessive for such a development as this. Nor given the scale of the buildings, their dispersal, and the open space retained in the site, is the proposal too busy with development; too intense in the site, or its setting.
26. Moreover, the proposal is not a farmstead; it is a house. And the starting point is not a farm; it is a disused quarry. I see no necessity for secondary buildings to be arranged like a farmstead in order to reflect the character of a place. Indeed, the siting of the outbuildings to the boundary walls of the site, and building off a boundary wall, would reflect a local building practice, would increase the secondary nature of these buildings, and make a more informal setting to the more formally ordered pavilion, the dominant element in the site.
27. The three, quite different elements described in the design narrative document<sup>5</sup> have individual, visual interest, yet they read together as a unified work. There is, in the narrative, a comparatively graceful poise and elegance to the prime form, the pavilion, and by contrast, a degree of inertia and tradition to its counterpart, the quarry face. The secondary buildings are less constrained by their size and scale. They are sited with

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<sup>5</sup> Analysis and Design Planning Document 501\_DO\_PN\_01 APRIL 2022

reference to the agricultural tradition here, but they share a modern architectural language based on some of the vernacular, which unifies their individual designs, and the elements of the main building. I find the architectural narrative imaginative. The scale and composition of the individual elements and the way they have been positioned in relation to each other and to the wider area is equally sensitive.

*Building design: the secondary buildings*

28. The asbestos sheet roof of the small, stone barn would be replaced with a double-pitched, dark, metal roof, springing from a similar wall-plate level, with exposed rafter ends. Dark framed, glazed openings under the new roof would differentiate new from old in a sensitive, light-touch conversion.
29. The 'gatehouse' secondary building would be sited too remotely from the gate by the road, and too close to the main building to read successfully as a gatehouse. However, both it and the garage would have delicate, low, mono-pitched, corrugated metal roofs. These would be as unobtrusive as their dark, vertical, timber-clad, and profiled-metal walls. They would read as new, small-scale, secondary buildings. I appreciate that the combined footprint of the secondary buildings is significant, but in the context of a large house, where there will be a need to house agricultural machinery to maintain the adjacent land, I can find no harm in terms of scale or arrangement as part of the combined, built footprint. Given the space retained on-site, and the extent of the existing ground, the number and size of the secondary buildings would not have an urbanising effect.
30. The architectural language of the secondary buildings would avoid the slavish replication of the vernacular and draw on the locally distinctive aspects of design, as suggested in the Council's design guidance<sup>6</sup>. There would be no harm to the surrounding landscape from these buildings as part of the overall design of this development.

*Building design: the quarry building*

31. I saw that there is a change in level in the land where a seam of limestone emerges towards the surface under scrub and grasses. It appears to have been worked and has an uneven face. Replicating the jagged, exposed face of the delve in the shape of the wall of the lower section of the main building and siting it broadly along the lie of the worked contour would be a charming historical allusion to the quarry-working which may have led to the present form of the land here.
32. The detailing of the window reveals suggested in the design narrative document<sup>7</sup>, with irregular quoining and frames set behind and clear of facework would reinforce the

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<sup>6</sup> West Oxfordshire District Council, West Oxfordshire Design Guide 2016, section 11, p3

<sup>7</sup> Analysis and Design Planning Document 501\_DO\_PN\_01 APRIL 2022

architect's narrative. Their research of local quarries has led them to propose, I heard, varying wet and dry bedded sections in the wall of the lower section to reflect the typical quarry shelves or swathes of varying stone size, from where limestone is excavated. I am not convinced that a mere wet/dry variation in joints would do justice to the more textured character from the varying coursing and different sized stones brought to course that I saw in the dry walls of the area, including in the existing barn. Any doubts could, nonetheless, be resolved by conditions for details and sample panels.

33. While the wall would rise to a parapet, and the quarry building would have a grassland roof over it, the building is not aping a quarry, but suggesting some of its qualities; some disorder across its face with unaligned openings, some randomness in the strata or plan form, and different textures and tones across its face. Subject to condition, it would reflect the character of the quarry I clambered across here, the present condition of which the Council argued was not at odds with local landscape characteristics. The quarry building would have no-ill effect on the landscape as part of the overall design of this development.

*Building design: the pavilion*

34. The fields here are enclosed by a tapestry of long, field boundary lines, laid in walls of local limestone or in low, thorn hedgerows. They give the landscape a distinctive texture and scale, relieving it of the expanse of its undulations. Their straightness and the squareness of their intersections, not least their abutments to the long, straight Greenend Road, lay over the natural form of the land the mark of some form of geometric order, a kind of framework to the activities upon it. Indeed, the landscape is described<sup>8</sup> as being typically large or very large fields with a rectilinear pattern of dry-stone walls.
35. I understand the Council's concern for architectural tradition. A building made of stone walls with a pitched roof here would be characteristic of the local vernacular because it would look like many of the buildings in the area, which have for centuries, been built like that. However, there is a place too, very occasionally, maybe only once, for an original building which draws its architectural character from the idiosyncrasies of the land which surrounds it, instead of the architecture of the neighbours, and which here, are around 550m to 850m away. A geometrically 'simple' rectangular pavilion whose primary form would reflect the order in one of the features of the landscape may appear different to the vernacular, but it would not appear out of place in this landscape. My point is that a cuboid, the primary form, proportions, size, siting, and detailing of which reflects those idiosyncrasies may not, in itself, be any less sensitive than a building of a more traditional form here.

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<sup>8</sup> West Oxfordshire Landscape Character Assessment 1998, p27

36. Indeed, there is support for this approach in the Council's design guidance<sup>9</sup> which recognises that the natural environment can form part of a site's context and will need to be appropriately reflected in proposals. It advises that where no positive or meaningful precedents exist in terms of local settlement character or design upon which to draw, it is important that new development is nonetheless made as distinctive as possible – in order to create a clear, strong and locally resonant sense of place and identity, and in order to avoid the sense of an 'anywhere' design solution.
37. And such a resonant sense of place and identity is just what appears in the design narrative document<sup>10</sup>: a cleanly detailed, long, thin, dark, cuboid, its edges defined by zinc panels, its large, glazed openings providing a lighter tone, with dark micro louvres. The proportions and the length of the narrative cuboid, and the continuity of its primary form, would reflect the character of geometric order in the surrounding landscape. Its shape would appear different to the local vernacular building form, but it would not appear out of place in this landscape. Indeed, its dark colour would lend it a presence not unlike some of the more modern, utilitarian farm buildings I saw across this arable landscape, many of which share a similarly prime geometry.
38. It would in my view reinforce the character of the land, its simple, prime orthogonal shape resonating with the simple pattern of boundaries which characterise the landscape. The contrast between the light, machined materials and sleek detailing defining the simple geometry of the pavilion against the hand-crafted workmanship and rectilinear arrangement of the heavy field boundaries would enhance the beauty of the unity of the two elements; pavilion and landscape. A sweet resonance.
39. However, the form of the pavilion was amended, after contact with the Council, just before the planning application was determined. The amendment introduced a crank into the plan form of the pavilion, and a series of internal staggers into the envelope of one of its long sides.
40. This cranked form of the pavilion lacks the likeness between the more continuous and more simple properties of the geometry and enclosure of the narrative version, and the character of the landscape here. The cranked pavilion would have a series of facets directly above the facets of the lower section, the quarry wall, making an elevation busy with facets of different sizes and displacements.
41. The amendment over-articulates the geometry of the pavilion. Its form becomes more obscure and altogether weaker; its connection with the landscape character lost. Without

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<sup>9</sup> West Oxfordshire District Council, West Oxfordshire Design Guide 2016, section 11, p3

<sup>10</sup> Analysis and Design Planning Document 501\_DO\_PN\_01 APRIL 2022

the simple unifying geometry between the pavilion and the landscape, the contrast between the architectural language of the pavilion and the character of the land would be overpowering. The pavilion would own little more than its base as a reason to belong here; its resonance with the landscape muted. The result, an out-of-place, or as the Council's design guidance<sup>11</sup> puts it, an 'anywhere design solution'. The overall effect of the design of the pavilion in the main building would result in the development having a significantly harmful effect on the natural beauty of the National Landscape, particularly its exposed, undulating arable landscape and rectilinear field pattern with which the pavilion's cranked form would have no affinity, as well as the tranquillity of the area away from the visual clutter which would be imposed by the incongruence of the pavilion in the landscape. This element of the design is not truly outstanding, reflecting the highest standards in architecture.

42. This would bring the development into conflict with LP policies OS2 and hence H2, with LP policies EH1 and EH2, as well as paragraph 84(e)(ii) of the Framework, and not least of all the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of an area of outstanding natural beauty.

#### *Landscape design*

43. The visitor would be led from the road by a new, 200m long, dry-stone wall along the presently fenced field boundary and into the foreground of the house. The foreground would constrain any proliferation of hardscape by a series of grassland spoil mounds, ephemeral ponds, scattered grassland, and trees. The car track would be limited, and the pull-ins and turning areas would use a cellular grid to support grass. This is a landscape of theatre rather than domesticity. The truly 'domestic' garden, with space for tables and chairs, would be directly behind the house in a relatively small area in a series of small, ascending terraces formed along the contours of the land between the pavilion and the field boundary, uphill. Domesticity contained, and concealed.
44. The appellant owns the three fields adjoining the site. The existing ley, of around 17ha, would be reseeded with a mix of legume and herb-rich grasses, and their margins, around 5ha in area, would be nutrient stripped and reseeded with wildflowers. They would contain small copses of woodland, of around 6,000m<sup>2</sup>. These would screen much of the development in views into the site from the north and the west. They would form a background to it in views from the south and east. Around 1,000m of hedgerow would be planted or enhanced, and around 800m of dry-stone walls would be restored, conservation works of National Landscape features which, the appellant pointed out, are at risk of further decline and being lost. The landscape design in the site could be secured by condition.

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<sup>10</sup> West Oxfordshire District Council, West Oxfordshire Design Guide 2016, section 11, p3

The landscape measures proposed in the adjoining fields would be secured by a planning obligation with a 30-year habitat management and monitoring plan.

45. The careful activity zoning, the land forming, and the extensive planting would set-off the different characters of the buildings and form a sensitive foil between the buildings and the wider landscape. This is an imaginative landscape design, effective in the long-term. It is sensitive to the defining characteristics of the area. The landscape works would enhance the immediate setting of the buildings. Moreover, the restoration of distinctive dry-stone walls and hedges and the planting of flower-rich grassland as proposed here would conserve and enhance these two special qualities of the Cotswolds National Landscape. There would be no conflict with LP policies OS2, OS4 which seeks high quality design that respects landscape character, nor with LP policy EH1.

*Light and reflections*

46. Extensive dark sky areas are one of the special qualities of the Cotswolds National Landscape. Policy CE5 of the Management Plan<sup>12</sup> says that proposals should seek to avoid and where avoiding is not possible, minimise, light pollution, and have regard to the guidance of the Institution of Lighting Professionals and the Commission for Dark Skies.
47. There is a risk of light spill from the lights of cars serving the site. However, given the number of occupiers and likely frequency of vehicle movements, and the proximity of the site to the road and other sources of light, the risk of harm to the dark sky area is very low.
48. The large openings in the pavilion are proposed with micro or rotating louvres which would control light emission. Artificial light emission through the openings in the other buildings would be controlled by curtains and blinds. Outdoor lighting would be limited to the point of arrival underneath the pavilion on a motion sensor. I heard that the artificial lighting strategy inside the house is to complement the spaces, with task lighting rather than wall washing or uplighting. A planning condition could ensure a lighting strategy that is effective for safety and security, but which would avoid and minimise light emission, to conserve the extensive dark sky area.
49. There is a risk of reflections from large, glazed openings particularly when the sun is low in the sky. However, the large openings in the pavilion would not face directly east or west. Solar gain would also be controlled by the micro louvres.
50. In these circumstances, there would be no material risk to the dark sky area or to the tranquillity of the area as identified in policies CN4 and CE5 of the CNL Management Plan, and no significant risk to wildlife or biodiversity. There would be no conflict with LP policy

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<sup>12</sup> Cotswolds National Landscape Management Plan 2023 – 2025

EH1, LP policy OS2 where it seeks to conserve and enhance the natural environment, and LP policies EH3 and EH8 which protect biodiversity and intrinsically dark landscapes.

### *Views*

51. The appellant's 9m high zone of theoretical visibility indicates that the principal aspect from which the development may be visible is from the east end of Greenend Road, and southwards from there. In close and mid-range views from below the site, the proposal would have limited visibility.
52. The pavilion would be visible from part of the Greened Road (viewpoint 4), but it would appear as a single-storey building with a backdrop of the new copse behind it; clearly visible, but with the trees behind it, not a prominent feature. It would be even less perceptible on a crest when viewed from the bridleway to the south (viewpoint 5). It is perhaps because of ground elevation, most in view from land across the valley, from Charlbury Ring (viewpoint 10). However, whilst the development would be a feature in the panoramic view from here, because of its distance and the copse to be planted behind it, as well as the dark colours of the pavilion and secondary buildings, it would be barely perceptible.
53. I appreciate that the objective in the design has not been to hide the buildings but to assimilate them within their landscape. I also take into account that even where the proposal may feature in views, it is not in the context of an uninhabited landscape, but in a place where isolated farmsteads and houses are equally, or more, visible. However, and notwithstanding its place in the landscape, the dissonance of the pavilion would remain perceptible. The development would consequently, and inevitably, fail to conserve and enhance the natural beauty of the National Landscape, bringing it into conflict with LP policies EH1, EH2, OS2 and OS4.

### *Summary*

54. Because of the effects of the late change in the design of the pavilion, and for that reason alone, the design of the development is not of exceptional quality. It cannot be considered truly outstanding, reflecting the highest standards in architecture. It follows, and notwithstanding the architect's engagement with universities, design panels, and conferences and their sharing of information in the construction industry, that the development would not help to raise standards of design more generally in rural areas.
55. For the same reason, it would not overall be sensitive to the defining characteristics of the local area. Though part of the development would re-use a redundant building, the development would not as a whole enhance its immediate setting. The development would not therefore meet the tests in LP policy H2 and paragraphs 84 and 139 of the Framework

which concern design and the development of an isolated home in the countryside. The design would not conserve and enhance the natural beauty of the Cotswolds National Landscape, placing it in conflict with LP policies OS2 and OS4, and paragraph 189 of the Framework which gives National Landscapes the highest status of protection in relation to landscape and scenic beauty to the conservation and enhancement of which it indicates that great weight should be given. More significantly, it would conflict with the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of an area of outstanding natural beauty.

### **Other matters**

56. While the preliminary ecological assessment<sup>13</sup> found an active badger sett on the site, a later field survey<sup>14</sup> revealed no signs of badger occupation. Indeed, the images captured on camera traps suggest that the sett has been abandoned, with the burrows taken over by breeding rabbits. A precautionary planning condition to monitor signs of re-occupation in advance of any site clearance would safeguard this protected species.
57. LP policy EH3 requires the biodiversity of west Oxfordshire to be protected and enhanced to achieve an overall net gain in biodiversity. Policy CE7 of the Landscape Management Plan requires proposals that are likely to impact on the biodiversity of the National Landscape to have regard to and be consistent with the guidance in the Cotswolds Nature Recovery Plan 2021 which encourages land managers to deliver nature recovery at the scale needed, including delivery mechanisms such as biodiversity net gain. The landscape works on-site would result in a net gain of 92% habitat units and 100% hedgerow units. Taking into account both on-site and off-site habitat retention, creation and enhancement, the gain in habitat units would be greater than 2,000%. The unilateral undertaking for the habitat management and monitoring plan aims to secure the biodiversity gains in the fields adjoining the site, and which are necessary for the development to comply with the Cotswolds Nature Recovery Plan, as well as some of the tree planting to frame views of the building and localised screening. The works are necessary to avoid conflict with LP policies EH2 and EH3, and paragraph 187(d) of the Framework which encourages development to enhance the local environment and to provide net gains for biodiversity.
58. I consider that the measures in the undertaking are necessary to make the development acceptable in planning terms, directly related to it, and fairly and reasonably related in scale and kind. As such it would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set

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<sup>13</sup> Preliminary Ecological Assessment & Bat Survey, 4 Acre Ecology Limited, 22 March 2020

<sup>14</sup> Preliminary Ecological Assessment Update, Reptile and Badger Survey, 4 Acre Ecology Limited, 25 October 2022

out in the Framework and are therefore material considerations in my assessment of the appeal.

59. I understand the Council's concern about precedent. However, I have considered the unique natural, historical, topographical circumstances of this particular site and the originality of the design advanced. Considering this site and this proposal then, precedent is not a realistic prospect.
60. Taking a scheme to design review is not the design 'by committee' process claimed by the Council. Nor is design iteration in response to professional criticism incompatible with achieving truly exceptional design. The Council's criticism of the architect's 'willingness to make whatever changes might achieve a recommendation of approval' is unfair. Indeed, design review is recognised in the Framework<sup>15</sup> as a tool to assess proposals, and of most benefit if used as early as possible in the evolution of a scheme, which is just the case here, where the planning application was made only after the Council's pre-application advice and three rounds of design review, spanning a period longer than one year.
61. While the Design Review Panel reviewed the proposal four times in total, concluding that the submitted scheme would meet the tests in paragraph 84(e) of the Framework, it did not have the opportunity to review the amended, cranked scheme; the scheme that the Council determined. Though the panel's responses are not determinative on the importance of the pavilion design to the success of the whole scheme, its long, primary form remained consistent through its reviews while other elements of the design developed. I appreciate that the appellant considers the amendment to be insignificant, however, for the reasons above, I disagree. I cannot be sure that the blessing of the Design Review Panel would have extended to the amended scheme. This limits the weight I can give the positive recommendation of the Design Review Panel.

### **Planning balance**

62. The development would result in a substantial gain in habitat units; a boost to the conservation of wildlife through a 30-year management plan, which is an important consideration here. It would also relieve the landscape of a derelict area of scrub, in accordance with paragraph 187(f) of the Framework. It would provide landscape improvements including new and repaired field boundary stone walls and hedges, new woodland copses, green, herb-rich pasture with wildflower scrub margins.
63. These landscape and biodiversity works would gain support from LP policies OS2, OS4, EH1, EH2, EH3 and from the Framework. They would conserve and enhance the landscape and scenic beauty of the National Landscape, to which the Framework directs

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<sup>15</sup> National Planning Policy Framework, paragraph 138

that great weight be given. The conversion of the barn in the site would comply, in part, with paragraph 84(c) of the Framework.

64. The design of the buildings and their occupation would be sensitive to the local and national objectives of moving to a low carbon economy by following Passivhaus principles, optimising passive solar gains and by building with airtight, fabric-first principles to retain heat during the winter, drawing significantly less energy, including renewable energy, than usual for a house of this size. This draws support from LP policy OS3 and from paragraph 139(b) of the Framework. An additional home in an area where there is a shortage is a social benefit. The development would bring a small uplift to the local economy during its implementation, and from the spending of future occupiers. These factors attract moderate weight in favour of the development.
65. On the other side of the balance, as a result of the late change to the design of the main building, the development would have a significantly harmful effect on the natural beauty of the National Landscape, bringing it into conflict with the statutory duty here to further the purpose of conserving and enhancing the area's natural beauty, and with LP policies OS2, OS4, EH1 and EH2, as well as with paragraph 139(b) the Framework. It would also conflict therefore with LP policy H2, and with paragraph 84 of the Framework which controls the development of isolated homes in the countryside: strong reasons for planning permission to be refused.
66. Overall, I find that the weight to these conflicts would outweigh that which I give to the benefits of the development. On balance, I find that the proposal would be contrary to the development plan, when read as a whole, as well as one of the fundamental objectives of planning described in the Framework; the creation of high quality, beautiful and sustainable buildings, and places.
67. There is no disagreement between the parties that the housing supply here, agreed when the Statement of Common Ground was prepared, then 4.3 years, is likely to lessen as a result of the recent changes to the Framework. This is important because the Framework requires that where the planning policies which are most important for determining the application are out-of-date, which includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, then permission should be granted. However, this is unless the application of policies in the Framework which protect areas including National Landscapes, provide a strong reason for refusing the development, which is very much the case here.

68. I therefore determine the appeal in accordance with the development plan, with which it would conflict. There are no other considerations, including the Framework, which outweigh this conflict.

**Conclusion**

69. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Patrick Whelan**

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT**

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Hawkes Architecture  
Ridge and Partners LLP  
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**FOR THE LOCAL PLANNING AUTHORITY**

Chris Wood, Senior Planner (Appeals)

West Oxfordshire District Council

**INTERESTED PERSONS**

Andrew Hutchings, Chair  
John Ingram

Chadlington Parish Council  
Chadlington Climate Change and  
Biodiversity Action Group

**SUBMITTED AT THE HEARING**

Council's comment on the change in area of the application site (red line)

**SUBMITTED FOLLOWING THE HEARING**

Executed unilateral undertaking, dated 11 March 2025