



Appeal Decision

Site visit made on 8 April 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/D3125/W/24/3351360

Land at Kennels Lane, Chipping Norton OX7 5YE

- 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 Mr Andrew Sapnik on behalf of PTPKL Ltd against the decision of West Oxfordshire District Council.
 - The application Ref is 24/01730/PIP.
 - The development proposed is described as 'Permission in principle for the construction of up to 7 dwellings'.
-

Decision

1. The appeal is allowed and permission in principle is granted for the construction of up to 7 dwellings at Land at Kennels Lane, Chipping Norton OX7 5YE in accordance with the terms of the application, Ref 24/01730/PIP.

Procedural Matters

2. The planning application was submitted by PTPKL Ltd and THHK Ltd 2. The appeal is made by PTPKL Ltd only and proceeds on that basis.
3. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.
5. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, the application form and Planning Statement submitted with the application confirms that permission in principle is sought for the construction of up to 7 dwellings. I have therefore interpreted this as permission being sought for the erection of a minimum of one and a maximum of 7 dwellings at the appeal site.
6. While a proposed site plan has been submitted, which shows the possible positions of 7 dwellings, footprints and access and parking to serve each unit, this is

indicative only, which I note the appellant suggests would be a maximum. Nevertheless, this stage identifies that there could be up to 7 additional dwellings occupying the appeal site, and this would therefore be the amount of development the site would have permission in principle for, should permission be granted. For the avoidance of doubt, I have therefore determined the appeal accordingly.

7. The refusal reason relates to the effects of the development on the character and appearance of the area, including the Cotswold National Landscape (CNL). Any substantive evidence relating to these matters could, therefore, have reasonably been provided as part of the appellant's Statement of Case. Given the submission of the appellant's Landscape & Visual Impact Assessment¹ (LVIA) at the final comments stage, an injustice may occur by my consideration of this document on the basis that interested parties have not had the opportunity to comment. I have therefore not considered this additional information as part of the appeal.

Main Issue

8. The refusal reason and officer report imply that the Council has no objection to the proposal in terms of the location or land use. The main issue is therefore whether the site is suitable for residential development, in relation to the amount of development proposed, with particular regard to the effect of the proposal on the character and appearance of the area including the landscape and scenic beauty of the CNL.

Reasons

9. The appeal site comprises 3 pairs of semi-detached dwellings and their gardens, interspersed with ancillary areas of hardstanding and open land that appears to be unused. It is located to the rear of the existing residential properties which front Worcester Road and slopes down towards the adjoining open countryside beyond. The surrounding area includes terraced, semi-detached, and detached dwellings of various architectural styles and ages. While some of the nearby residential units sit on plots that are more modest in size, the existing dwellings which occupy the appeal site differ in that they have an organic, loosely knit, spacious informal layout. By virtue of this arrangement, which also allows views outwards towards the open countryside, the site contributes positively to the pleasant semi-rural character of the area.
10. The appeal proposal would see the construction of up to 7 dwellings on the site alongside the existing properties, together with the reconfiguration of the garden and parking areas, access to which would be via the existing vehicular accesses to the land from Kennels Lane. I acknowledge that the proposed site plan is indicative, and that detailed matters including scale, position within the plot, orientation and design of the dwellings would form part of the second stage of the permission in principle process. Nonetheless, and despite the siting of the dwellings within the site, which would not encroach significantly beyond the confines of the existing built form, the amount of development proposed, comprising up to 7 new dwellings, together with the associated boundary treatment, parking areas and likely domestic paraphernalia, would inevitably erode the open space surrounding the existing dwellings. This would be at odds with the existing character and appearance of the site and would diminish the prevailing pattern and layout of the built form.

¹ Landscape & Visual Impact Assessment On behalf of TTPKL Ltd dated November 2024

11. For these reasons, the amount of development proposed would, in principle, result in harm to the character and appearance of the area through the erosion of the existing open spaces between the buildings and the soft edge to the built development.
12. The West Oxfordshire Landscape Assessment (LA) identifies the area as semi-enclosed valleys and ridges landscape type within the Northern Valleys and Ridges landscape character area (LCA). The key characteristics of which include valleys and ridges, smaller and larger scale fields with hedgerows, hedgerow trees and scattered belts of woodland, comprising mixed land uses which form an intimate and enclosed landscape with moderate to low intervisibility. The LA identifies factors that potentially threaten landscape quality in the LCA, which include the influence of built development around the fringes of Chipping Norton. In terms of landscape enhancement, the site falls within the conserve category, where conservation is an overwhelming priority to maintain landscape character and quality.
13. While I recognise the rural character of the wider area, as well as the areas of open space within the site, which contribute to its character and appearance, the site currently accommodates several dwellings, including driveways and parking areas, which give it a developed appearance. It also has a close relationship with the adjoining neighbouring residential development, as well as the other dwellings beyond the site along Kennels Lane. While there are views across the site and between the existing buildings of the wider open countryside beyond, these are tempered somewhat by the presence of the existing dwellings, and largely limited to those either at the site or passing it to access the residential properties further along Kennels Lane.
14. Considering this context, together with the relatively contained nature of the site, it therefore makes a limited contribution to the character of the wider rural landscape. The proposed development would be generally contained within the existing built development on the site. Furthermore, in longer distance views towards the site, the dwellings would be seen against the rising land and backdrop of the surrounding residential development, and could be similar in terms of scale, design and appearance. Thus, the proposal would not have a significant effect on the overall character and quality of the wider landscape.
15. The appeal site lies within the CNL, an area designated for its landscape and scenic beauty. The National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. Policy EH1 of the West Oxfordshire Local Plan 2031, adopted September 2018 (LP) reflects these aims and requires great weight to be given to conserving and enhancing the area's natural beauty, landscape and countryside.
16. The appeal site is visible from the wider open countryside beyond the site, including from public footpaths to the south. Nevertheless, for the reasons set out above, it is well related visually to the existing nearby residential development that extends along Worcester Road and Kennels Lane. In this context, the proposal would appear as part of the wider group in longer distance views of the site. As such, the proposal would not give rise to harm to the visual qualities and essential characteristics of the CNL in terms of its landscape and scenic beauty.

17. The Council's Statement of Case goes to considerable lengths to analyse the effects on the landscape. While I have not been able to accept the appellant's LVIA, I have nevertheless concluded, for the reasons given, that there would be no harm to the landscape character of the area or the special qualities of the CNL.
18. My attention is drawn by the Council to appeal decisions at nearby Heythrop Hunt Yard² for the construction of a new dwelling and conversion of an agricultural building to a dwelling, where the Inspector reached a different conclusion with regards to the effect of the development on the CNL. However, they differ from the appeal scheme before me in terms of their effect upon the views outwards towards the wider countryside and subsequent harm to the relationship between the nearby buildings and surrounding landscape. Consequently, from the evidence before me, they do not appear to be directly comparable, and as such the weight to be attached to these is limited.
19. For the reasons set out above, I conclude that the proposal, in relation to the amount of development, would not harm the landscape character of the area or the intrinsic landscape and scenic beauty of the NL. Thus, in that regard, it would not conflict with the aims of Policy EH1 of the LP, LP Policy EH2, which sets out that development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural features of the local landscape or the policies in the Framework. However, the amount of development proposed would give rise to harm to the character and appearance of the area and therefore would, in principle, be unacceptable. As such, the proposal would fail to accord with those aims of Policies OS2 and OS4 of the LP which require development to complement the existing pattern of development and/or the character of the area, conserve and enhance the built environment and contribute to local distinctiveness.

Other Matters

20. The refusal reason, along with the officer's report, do not raise an objection to the proposal in principle in terms of location. However, I am aware that in the recent appeal decisions at Heythrop Hunt Yard, as discussed above, the Inspector found that the proposals would not be in a suitable location having regard to the development strategy and access to services and facilities. I have no reason to disagree with the previous Inspector in that regard. Notwithstanding this, these decisions appear to have been made in the context where the Council could demonstrate an adequate housing land supply, which the Council accept is no longer the case. Consequently, these decisions are materially different to the case before me. I shall return to the matter of housing land supply later.
21. Interested parties have raised concerns regarding the effect of the proposed development on, among other matters, biodiversity, highway safety and parking, sewerage capacity, the living conditions of occupiers of neighbouring properties and refuse collection. However, these matters do not fall within the scope of considerations at the first stage of the permission in principle process and would therefore be considered as part of a subsequent technical details consent application.

² APP/D3125/W/20/3254467 and APP/D3125/W/20/3254468

Planning Balance

22. The proposal would offer benefits in terms of housing supply, which is a key objective of the Framework, which seeks to significantly boost the supply of housing. The Framework also recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. In addition, the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. While up to 7 new houses would not greatly improve total supply, given the current housing supply situation in the district, the additional provision weighs heavily in favour of the scheme. The development would also provide short term and long-term economic benefits through employment during the build process and increased expenditure in the local area, although benefits in that regard would be tempered by the scale of the development.
23. Set against this, for the reasons set out above, I have found that, while the proposal would not harm the landscape character, or the CNL, it would harm the character and appearance of the area. Nevertheless, given the site context, including the nearby new residential development, and overall scale of the proposal, any effects in that regard would be localised and limited. In addition, any harm by virtue of the loss of the views across the site and subsequent appreciation of the wider countryside beyond, would be limited given the effects would be delayed only for a short distance within the site, beyond which the adjoining countryside would be seen alongside far-reaching views of the wider rural landscape. The level of actual harm to the character and appearance of the area would therefore be modest.
24. It would also conflict with Policies OS2 and H2 of the LP which direct new development to sites within and on the edge of the main service centres, including Chipping Norton, and set out that new dwellings will only be permitted in the open countryside in specific circumstances, none of which apply to the appeal proposal, which weights against the scheme. The proposal would therefore conflict with the development plan as a whole.
25. The Council is unable to demonstrate an adequate supply of housing land, paragraph 11 d) ii) of the Framework therefore falls to be considered. In this case, I find that, when assessed against the policies in the Framework as a whole, having regard to key policies, the adverse impacts would not significantly and demonstrably outweigh the benefits of the scheme. As such, the proposed development benefits from the presumption in favour of sustainable development as set out at paragraph 11 of the Framework and permission should be granted. As Government policy, the Framework is a weighty material consideration and, in this case, indicates that a decision should be taken otherwise than in accordance with the development plan. Therefore, having regard to all other relevant material considerations, I conclude that planning permission should be granted.

Conclusion

26. For the foregoing reasons, I conclude that the appeal should be allowed.

E Worley INSPECTOR