



Appeal Decision

Site visit made on 18 March 2025

by A O'Neill BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal Ref: APP/C3105/W/24/3357587

26 Winchester Close, Banbury, Oxfordshire OX16 4FP

- 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 Adrian Trinder against the decision of Cherwell District Council.
 - The application Ref is 24/02205/F.
 - The development proposed is the change of use of land to residential and construction of a detached double garage ancillary to No. 26 Winchester Close.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is in a residential area and comprises an undeveloped area of land located between the rear gardens of numbers 44 and 46 Winchester Close and a footpath/cycleway. The appeal site is part of a larger area of undeveloped land which continues alongside the path towards Middleton Road to the right of the site. To the left of the appeal site, the path runs alongside Winchester Close and continues through the housing estate. The path is lined with areas of open space and tree planting which contribute to the verdant and spacious character of the area.
4. The Council describe the appeal site as forming part of the amenity land for the wider residential area. On my site visit I saw that the vegetation on the appeal site had been reduced in height compared to the adjoining area of land, which has several mature trees. I acknowledge the appellant's case that the appeal site is not a public space as it is owned and controlled by the appellant.
5. Notwithstanding its ownership or current appearance, the undeveloped land makes a positive contribution to the character and appearance of the area. The change of use sought for this land to residential and the accompanying built development proposed would result in harm to the verdant and spacious character of the area. Moreover, whilst the proposed garage would be set in a short distance from the path, it would create a hard edge to the path. This would be at odds with the prevailing open character of the path in this location.

6. The appellant suggests the proposal is in keeping with other detached garages in the area. In particular, they identify another property on Winchester Close which has a detached garage in its frontage. I do not have details of how this came to exist, although it is suggested it was built as part of the original housing development. In this example, the garage is located close to, and directly in front of, the front elevation of the associated house and the two clearly relate to each other.
7. The proposed garage would be located some distance from 26 Winchester Close, offset from its front elevation. The resulting relationship between the two would therefore be different to the example cited. Moreover, the distance of the proposed garage from any other built development would mean it appears as an isolated structure, making it an incongruous addition to the area.
8. Consequently, I do not find the example detached garage on Winchester Close to be directly comparable to the appeal proposal. As such, I have found it does not alter my consideration of this appeal proposal, which I have determined on its own merits.
9. On my site visit I saw that the form of garages in the area and the materials used in their construction are in keeping with the host dwelling. Similarly, the design of the proposed garage in these regards would be in keeping with 26 Winchester Close. As such, in these respects, the proposed building would be acceptable. Nevertheless, this finding does not outweigh the harm I have found would result from built development on the appeal site.
10. Taking all of the above into account, I find the proposed garage would harm the character and appearance of the area. As such, it would be contrary to Policy ESD15 of the Cherwell Local Plan Part 1 (2015) (LP 2015) and saved policies C28 and C30 of the Cherwell Local Plan (1996) (LP 1996). Together, these policies require new development to complement and enhance the character of its context and be compatible with the character and appearance of the area.

Other Matters

11. I acknowledge that the proposal would not have an adverse impact on the living conditions of neighbouring occupiers, nor would it result in any highway safety issues. However, compliance with the development plan in these respects is a neutral factor in favour of the appeal.
12. My attention has been drawn to Paragraph 9 of the Framework, although it has not been explained how this weighs in favour of the appeal proposal. I have found the appeal proposal would result in harm to the character and appearance of the area, taking account of both relevant planning policies and local circumstances.
13. The appellant states that the site area is sometimes used for antisocial activities. However, this point is not further substantiated, and it is unclear how this consideration would weigh in favour of the appeal proposal. As such, it does not influence my consideration of the appeal proposal.
14. I note the appellant's assertion that they could clear the existing vegetation on the appeal site and enclose the site with a fence. However, this would be subject to confirmation of the appeal site's status as part of the landscaping for the surrounding development, for which the details have not been submitted. I am

therefore not satisfied that this represents a realistic fallback position. Moreover, even if it did represent such a position, it would not justify the appeal proposal. This is because it would cause a similar degree of harm to the character and appearance of the area as the built development proposed. Consequently, I attach limited weight to this consideration in favour of the appeal.

15. It is suggested that a benefit of allowing development on the appeal site is that it would limit the potential for future development on the remainder of undeveloped land in the appellant's ownership. The appellant suggests this land could be required, by condition, to remain as a planted area. However, it has not been explained how such a condition would comply with the six tests set out in the Framework. In any event, this does not alter my findings on the harm to the character and appearance of the area arising from the appeal proposal.
16. Another suggested benefit of the proposed garage is that it would provide safe and secure parking for vehicles associated with the property. This would, however, be a private benefit. It is a well-founded principle that the planning system does not exist to protect private interests. Therefore, this consideration does not alter my conclusions.
17. I understand that the current appeal proposal is reduced in scale to a previous proposal on the site. However, this does not materially affect my consideration of the merits of the appeal proposal.
18. I acknowledge the appellant's comments regarding the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

19. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

A O'Neill

INSPECTOR