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## Appeal Decision

Site visit made on 12 March 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

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**Appeal Ref: APP/C3105/D/24/3350764**

**Daisies, High Street, Charlton on Otmoor OX5 2UQ**

- 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 Kandt and Dr Harrington against the decision of Cherwell District Council.
  - The application Ref is 24/01097/F.
  - The development proposed is removal of single storey rear extension and construction of part single storey and part two storey rear elevation plus associated external works; addition of 2 windows to front elevation.
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### Decision

1. The appeal is allowed and planning permission is granted for removal of single storey rear extension and construction of part single storey and part two storey rear elevation plus associated external works; addition of 2 windows to front elevation at Daisies, High Street, Charlton on Otmoor, OX5 2UQ in accordance with the terms of the application, Ref 24/01097/F, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall accord with the following approved plans: PA 101 (1:1250 site location plan), PA 102 (site plan), PA 103 (existing plans and elevations) and PA 104 (proposed plans and elevations).
  - 3) The materials to be used on the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) The development hereby permitted shall not commence until a biodiversity enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance the approved details and with the recommendations contained in the Spires Ecology Report, August 2023.
  - 5) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
  - 6) Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed

archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

## **Main Issues**

2. The main issues are

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies.
- The effect of the proposal on the openness and purposes of the Green Belt.
- The effect on the Charlton on Otmoor Conservation Area and setting of the Grade I listed church of St Mary the Virgin and other listed buildings.
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## **Reasons**

3. The appeal site is a two-storey cottage located on the southern side of the main High Street within the centre of the attractive village of Charlton On Otmoor. It is sited close to the road with large rear garden. It lies within the village Conservation Area which encompasses much of the linear built development along the High Street and some areas to the north around Church Lane. The Grade I listed St Mary the Virgin church lies opposite the appeal site on the northern side of the High Street. The whole village lies within the Oxford Green Belt.

### *Whether inappropriate development in the Green Belt*

4. The Framework states at paragraph 154 that development in the Green Belt is inappropriate unless one of a number of listed exceptions apply. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy ESD14 of the Cherwell Local Plan 2011-2031 Part 1 (CLP) states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework and National Planning Policy Guidance (NPPG). Neither the Framework, the NPPG nor the above policy indicate what is to be considered as a 'disproportionate' addition.
5. The Council contends that the proposed extensions significantly exceed 50% of the volume of the original dwelling, that is as existed in July 1948. The appellant does not appear to dispute this. The Council goes on to suggest that this would be a disproportionate addition on the basis that 'a 50% increase in the original volume of a building tends to be the upper limit before an enlargement is considered disproportionate'. The Council suggests that this is based on an analysis of case law, but has not provided that, nor has it referenced any relevant policy guidance. However, the Council also acknowledges that the physical impact of an extension

and whether the exterior bulk of an extension appears as a disproportionate addition is a consideration. Whilst the increase in volume can be a relevant criterion against which to judge whether an addition is disproportionate, given the lack of policy guidance or other evidence to substantiate the use of the '50% limit' a consideration against the latter would be the more appropriate.

6. The original building comprises the relatively modest rectangular shaped, pitched roof cottage and does not include the existing single storey rear flat-roofed addition which was added after the above date. The appeal proposal would add a two-storey pitched roof element at right angles to the original cottage, extending to a depth about half the width of the original cottage, with the single-storey element to the side extending to a similar depth. Gaps to both side boundaries would be maintained such that much of the original upper floor rear elevation of the cottage would be unaffected.
7. Whilst the actual size of the proposal has not been clarified, either in terms of volume or floorspace, I consider that the overall additional bulk created in relation to the original cottage would be of a scale and size such as to not constitute a disproportionate addition. I therefore find that it satisfies paragraph 154(c) of the Framework and would therefore not be inappropriate development in the Green Belt. It would therefore also comply with CLP Policy ESD14.

*Effect on Green Belt openness and purposes*

8. Given my findings above, it is not necessary to consider the effect on Green Belt openness further. In terms of the purposes, Framework paragraphs 143 (c), to assist safeguarding the countryside from encroachment, and 143(d), to preserve the setting and special character of historic towns, in this case Oxford, are relevant. The proposal would be well contained within the built-up part of the village and there would be no encroachment on the wider countryside. For the same reasons and in view of the distance of the appeal site from the city there would be no effect on the landscape setting of the city nor on its special character. There would therefore be no harmful effect on Green Belt purposes.

*Effect on heritage assets*

9. The Conservation Area Appraisal (2018) (CAA) states that the village is characterised by vernacular buildings of largely two-storey local limestone with much building originating from the 17<sup>th</sup> and 18<sup>th</sup> Centuries. The village is distinguished by numerous small farm houses and cottages with roof coverings of thatch, Welsh slate and tiles with several of the ancient cottages surviving from the 16<sup>th</sup> century. Given the agricultural origins of the village many would have centred around the church where on higher and dryer land away from the moor.
10. The church of St Mary the Virgin is the oldest building in the village, being of stone construction dating from the 13<sup>th</sup> and 14<sup>th</sup> century comprising of chancel, clerestoried nave, north and south aisles, western tower and south porch with a number of internal features of special interest including painted decorations on arches and pillars. The Churchyard Cross located just to the south-west of the church is a Grade II\* listed building and the south wall of the churchyard is Grade II listed. The CAA identifies the church as a positive landmark with its surrounding churchyard notated as a significant green space. The appeal site lies within the setting of these listed buildings. Further to the east of the appeal site around the

junction of the High Street with Church Lane are the village pub, The Crown, the Grade II listed building The Old Rectory and further listed buildings. This area provides the visual and social centre of the village.

11. The overall significance of the conservation area is derived from its rural, agricultural character and that of the numerous surviving cottages and farmhouses with the centre of the village characterised by important listed buildings. The significance of the heritage assets is mainly derived from the architectural quality and special historic interest of the building and features within it and the churchyard and their location towards the centre of the village.
12. Whilst the appeal site is located within the centre of the village conservation area, close to a number of listed buildings, some of particularly high quality and architectural and historic interest, given that the proposal, with the exception of the new front windows/ openings, is to the rear of the dwelling and thereby not appreciated within the visual or historic context of the above listed heritage assets, their significance would be preserved. The minor alterations to the front façade of the cottage would be in keeping with its character and that of the surroundings and would comprise complementary and sympathetic additions which would preserve its character and appearance. The proposal would therefore comply with the CLP policy ESD15 and saved policy C28 of the Cherwell Local Plan.
13. Regard has been had to the duty under S66 and S72 of the Planning (Listed Buildings and Conservations Areas) Act and I find that the setting of nearby listed buildings and the character and appearance of the Charlton on Otmoor Conservation Area would be preserved. The proposal would also satisfy the policies of the Framework which seek to ensure that heritage assets are conserved in a manner appropriate to their significance.

## **Conclusion**

14. I have found that the proposal would not constitute inappropriate development in the Green Belt therefore very special circumstances do not need to be demonstrated. There would be no other Green Belt or any other harm arising. The proposal would accord with the development plan and the Framework.
15. With regard to conditions, in addition to those necessary to refer to the approved plans in the interest of clarity and to require matching materials to protect the character and appearance of the host dwelling and wider conservation area, the Council has highlighted that there is a need for appropriate measures to be taken during construction and as part of the development as set out in the Final Bat Survey Report to secure biodiversity enhancement. In addition, as the site lies in an area of archaeological interest and potential, a condition to ensure the implementation of an archaeological monitoring and recording action (watching brief) is necessary so that any items of interest can be recorded as appropriate.
16. It is therefore concluded that the appeal should be allowed and planning permission granted.

*P B Jarvis*

INSPECTOR