



Appeal Decision

Site visit made on 30 April 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025.

Appeal Ref: APP/D3125/W/25/3358424

Westfield Lodge, Road Through Shilton, Shilton, Oxfordshire OX18 4AW

- 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 Ms Ann Thomassen-Rawlings against the decision of West Oxfordshire District Council.
 - The application Ref is 24/01099/FUL.
 - The development proposed is the erection of a detached dwelling with associated existing access and proposed new landscaping work.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the planning application form. This differs from the decision notice which describes the proposal as a 'self-build dwelling'. As I have not been provided with a written agreement for a change to the description, I have proceeded with the original description.
3. The address description is also taken from the planning application form which adequately describes the site's location. However, the submitted plans show the site is accessed from a road named Hen N Chick Road, which the Council also refers to. I have also referred to this road name in this decision letter.
4. The submitted plans show an existing dwelling adjacent to the appeal site named as Squirrel Cottage. The dwelling proposed as part of this appeal is named on the plans as Westfield Lodge. Conversely, the Council sometimes refers to the existing dwelling as Westfield Lodge. For the avoidance of doubt, in this decision letter, I have used the names shown on the submitted plans.
5. As part of their case, the appellant has submitted an alternative red line boundary plan which includes Squirrel Cottage and associated land also owned by the appellant. I am mindful that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issues

6. The main issues are:

- whether the appeal site would be in a suitable location, having regard to the Council's strategy for the location of housing and its accessibility to services and facilities; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Location

7. Policies in the West Oxfordshire Local Plan (2018) (WOLP) seek to ensure development is in the most sustainable locations. The Core Objectives of the WOLP aim to enable new development in locations where the need to travel, particularly by car, can be minimised (CO1) and to maximise the opportunity for walking, cycling and use of public transport (CO11). This is consistent with the National Planning Policy Framework (the Framework) which expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use.
8. At a strategic level, WOLP Policy OS1 requires development to accord with the local plan policies, or the Framework unless material considerations indicate otherwise. WOLP Policy OS2 is the Council's spatial strategy for the distribution of development in the district. This is informed by Table 4b of the WOLP which defines the settlement hierarchy for the district. Policy OS2 makes a distinction between 'main service centres', 'rural service centres and villages' and 'small villages, hamlets and open countryside' and sets out the scale of development which is considered suitable at each tier of the settlement hierarchy.
9. The appeal site is located in the Parish of Shilton, but outside of, and some distance from, the built up area of Shilton village. It is suggested by the appellant that Policy OS2 identifies Shilton as a rural service centre where new residential development would be permitted. However, Table 4b does not name Shilton in the settlement hierarchy. The 'Small villages, hamlets and open countryside' tier includes all villages and settlements not listed in any other tier of the hierarchy, plus open countryside.
10. Therefore, for planning policy purposes, the appeal site is within open countryside. Policy OS2 states proposals for residential development in such locations will be considered under Policy H2. Policy H2 only permits new dwellings where the proposal meets any of the exceptions listed in the policy. There is no evidence before me to demonstrate that the appeal proposal meets the requirements of any of these exceptions.
11. It is the appellant's case that the appeal site is 'residential land' by virtue of a previous planning permission¹ for the demolition of Squirrel Cottage, the erection of a replacement dwelling and the change of use of part of the land from agricultural to residential. Such a designation does not form part of the WOLP policies that have been submitted as part of this appeal and as discussed above, I have

¹ Planning application reference 16/03822/FUL

considered this appeal in the context of policies for development in the open countryside.

12. Notwithstanding, I note that one of the exceptions allowed by Policy H2 is the replacement of dwellings on a one for one basis. The current proposal is not for a replacement dwelling and the submitted plans show Squirrel Cottage would be retained. I therefore do not find the previous planning permission to be directly comparable to the current appeal proposal, which I have determined on its own merits. I acknowledge the evidence that indicates the Council would not object to the principle of a replacement dwelling on the site. However, that is not the proposal that is before me now and, as such, this consideration does not alter my conclusions.
13. The appellant suggests that the site is in a location where sporadic built development has been allowed. I acknowledge Squirrel Cottage is an existing dwelling located on land adjacent to the appeal site and beyond that is another dwelling known as Westfield Views. In the wider area, there is sparse built development along Hen N Chick Road and Alvescot Road. However, I have not been provided with details of how these buildings came to exist nor details of any other comparable cases. As such, I give this consideration limited weight.
14. Turning to access to services and facilities, the appeal site is approximately 15 minutes' walk from Shilton village. However, much of the route between the site and the village is unlit and has no dedicated footpaths. Furthermore, the village has limited services and facilities which are unlikely to meet the day to day needs of future occupiers.
15. There is a bus stop at the edge Shilton village from which there is a bus service to Carterton, one of the District's main service centres which has range of services and facilities. The bus journey to Carterton is relatively short at less than 10 minutes and the service operates 7 days per week. However, the service ends at approximately 7pm each day and there is only one bus per hour. Given the limited service and the distance between the site and the bus stop, I am not satisfied that this would provide convenient access to services and facilities.
16. There are no dedicated cycle lanes between the site and Carterton. Parts of the route also do not have streetlights. As such, the route is not particularly desirable for cycling, particularly in the winter months. Therefore, cycling is unlikely to be a realistic alternative to a private vehicle for travel to Carterton.
17. The appellant states that the site has its own necessary infrastructure support and services that are essential for sustainable living in rural locations. However, this point has not been further substantiated. I am not satisfied that the appeal site would represent a sustainable location and promote walking, cycling and public transport and as such there is likely to be a daily reliance on the use of private vehicles.
18. It is suggested that the dwelling would be delivered as self-build dwelling. This is a benefit in that it would contribute to meeting the Council's statutory duty in this regard. However, Policy H5 of the WOLP requires self-build dwellings to be located in suitable, sustainable locations subject to compliance with other relevant policies of the WOLP, including OS2 and H2. As I have found the appeal site location does not comply with policies OS2 and H2, this benefit is outweighed by the conflict with the Council's strategy for the location of development.

19. Permitting the proposed dwelling would be harmful in that the strategy for the distribution of housing would be undermined as it is not in a location where the need to travel, particularly by car, is minimised. 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.
20. 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 WOLP Policies OS1, OS2, H2 and H5. It would also conflict with the Framework in respect of sustainable travel.

Character and Appearance

21. The appeal site comprises a large open area of grassland located at the end of a long, unmade access road off Hen N Chick Road. It forms part of a larger area of undeveloped land owned by the appellant. As noted above, there is existing built development close to the appeal site and the boundaries between these properties are defined predominantly by mature trees and other vegetation. The site is otherwise surrounded by undeveloped countryside land.
22. Squirrel Cottage, the nearest built development to the site, is a modest two storey dwelling with single storey additions that feature timber cladding. It has a slate roof with dormer windows visible on its front elevation. The wider area, however, is characterised by buildings constructed predominantly of stone. As described in the West Oxfordshire Design Guide (2016) (the Design Guide) and confirmed during my site visit, existing buildings in the area typically have long fronts, narrow gables, and steeply pitched roofs. I also observed dwellings are characterised by and simple fenestration with uniform arrangements.
23. The proposed dwelling is comprised of a two storey element with a single storey element which wraps around the rear and one side of the two storey structure. The two elements do not relate well to each other as the ridge of the single storey element protrudes above the eaves of the two storey element and partly obscures one of the proposed dormer windows. The proposed dormer windows also break the eaves line of the roof in which they sit. Furthermore, the other windows proposed are of varying sizes and are presented in an irregular arrangement. These features combine to give a confused appearance to the dwelling. As such, it would appear at odds with the traditional appearance of other dwellings in the area and their ordered and simple fenestration.
24. The proposed dwelling has some similar features to Squirrel Cottage, particularly the timber cladding and dormer windows. However, the extensive use of timber cladding and multiple dormer windows in the proposed dwelling, are not features which are typical of dwellings in the wider area. Other features of the proposed dwelling, such as the shallow pitched roof to the single storey element, the covered porch and stove pipe chimney are not features of the traditional architecture in this location.
25. Therefore, the design and appearance of the proposed dwelling would not reflect the locally distinctive character of the surrounding area. As such, it would be an incongruous and alien addition to the area.
26. I acknowledge that views of the proposed dwelling from the wider landscape would be limited due to the existing and proposed boundary planting as well as its

distance from Hen N Chick Road. The dwelling would also be of an appropriate scale for the site area and would allow for a generous area of grassland to be retained. I understand that the dwelling would be constructed using sustainable materials with the aim of meeting zero carbon or passive haus standards. Nevertheless, these considerations do not outweigh the harm I have found.

27. I appreciate that the dwelling currently proposed is reduced in scale compared to the previously approved dwelling on this site. However, this does not materially affect my consideration of the merits of the appeal proposal.
28. Taking all of these matters into account, I find that the proposal constitutes poor design and would significantly harm the character and appearance of the area. As such it would conflict with policies OS2 and OS4 of the WOLP and the Design Guide which together require new development to be of a high quality, to contribute to local distinctiveness, respect the intrinsic character of the area and, where possible, enhance the character and quality of the surroundings.

Other Matters

29. The proposed development would have limited social and economic benefits. One additional house would make little difference to the overall supply of housing and the support that its construction and future occupancy would provide to construction employment and the local economy would be limited.
30. It is suggested that Squirrel Cottage could be retained as affordable housing, for which the Shilton Neighbourhood Plan (2019) identifies a need in the area. Whilst the provision of an affordable housing unit would be a benefit, there is no suggested mechanism by which to secure this. However, this benefit would not outweigh the harm I have found in relation to the main issues of this appeal.
31. I understand that the appellant's personal circumstances have changed since the previous approval on the site and so the current proposal has been designed according to their current needs. However, this has not been further explained. In any event, the proposed dwelling would be permanent, as would the harm identified, which would not be the case for the needs of the appellant.
32. I acknowledge that there is no objection to the appeal proposal from the Council's Highways and Environmental Health services nor does the proposal affect any listed buildings, conservation areas, protected landscapes, tree preservation orders or public rights of way. Nevertheless, these points do not outweigh my previous findings. I also note that no objections have been received from neighbours. However, the lack of objection does not equate to a lack of harm.
33. The appellant's statement refers to other matters such as objections which have been overcome in relation to highways, archaeology, drainage, air quality, and ecology as well as a petition of objection. Reference is also made to an Inquiry procedure and an intention to submit a Section 106 Agreement. However, from the case put to me, none of these matters are of specific reference to the current appeal proposal.
34. Concerns regarding the manner in which the planning application was considered by the Council fall outside of the scope of this decision.

Planning Balance

35. The appeal site location conflicts with WOLP policies OS1, OS2, H2 and H5 which direct development to the most sustainable locations in the Local Plan area. The proposal also conflicts with policies OS2 and OS4 in respect of its impact on the character and appearance of the area.
36. Paragraph 232 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. Furthermore, the countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework which also indicates new development should be visually attractive and sympathetic to local character. Therefore, the conflict between the proposal and Policies OS1, OS2, OS4, H2 and H5 should be given significant weight in this appeal.
37. 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 be a conflict with the development plan as a whole.
38. 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 paragraph 11d) is engaged. There is nothing before me to suggest that the policies identified in footnote 7 of the Framework provide a strong reason for refusing the development proposed under paragraph 11 d) i). Hence, the balance in paragraph 11 d) ii) applies.
39. 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, ...*'. In addition, measures set out to achieve well designed places in paragraphs 135 and 139 of the Framework constitute key policies for the purposes of paragraph 11 d) ii).
40. The main parties have referred me to different appeal decisions to quantify the Council's supply of deliverable housing sites. The appellant refers to an appeal decision issued in January 2023 which identified a supply of 2.5 years. However, the Council refers to more recent appeal decisions in 2024 which identified a supply of 4.34 years. I have based my reasoning on this more recent figure. One dwelling would make a minor contribution to the overall supply of housing and as described above, the benefits associated with one additional dwelling would be limited, even taking into account the Framework's objective of significantly boosting housing land supply.
41. Consequently, the adverse impacts on the Council's development strategy and of increasing travel by private vehicle, as well as the failure to achieve good design, 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

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

A O'Neill

INSPECTOR