



Appeal Decision

Site visit made on 5 June 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/C3105/W/25/3360446

The Pheasant Pluckers Inn, Burdrop, OX15 5RQ

- 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 Geoffrey Noquet against the decision of Cherwell District Council.
 - The application Ref is 24/02664/PIP.
 - The development proposed is described as “Planning Permission in Principle is sought for the provision of 3-7 dwellings within the area outlined in red on the accompanying Ordnance Survey Map.”
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) 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.

Main Issue

3. The main issue in this appeal is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

Location

4. There is no dispute between the parties that the appeal site is located within the confines of Burdrop, which together with Sibford Ferris and Sibford Gower forms a Category A Service Village for the purposes of Policy Villages 1 of the Cherwell Local Plan 2011-2031 Part 1 (2015) (Local Plan Part 1).
5. Policy Villages 1 provides a framework for housing growth in rural areas. It states that Category A (Service Centres) will be considered to be suitable for minor development in addition to infilling and conversions.

6. The appeal site comprises an existing public house called the Pheasant Pluckers Inn, but previously known as the Bishop Blaize, the car park serving the public house and its beer garden.
7. The proposal would be a combination of converting the existing public house, infilling a small gap and minor development on the edge of the village and would therefore accord with the type of development that Policy Villages 1 considers suitable in Category A (Service Centres). Given this, while I note that the supporting text refers to assessing whether proposals constitute acceptable minor development by using a set of criteria, in policy terms, the proposal would comply with the development strategy.
8. Interested parties have referred to the Local Plan Review and the possibility of Sibford Ferris and Sibford Gower being assigned small village status rather than the Category A status that they currently hold. However, the Local Plan Review has not yet been submitted to the Secretary of State for examination. The emerging policies are therefore still subject to change and there is nothing before me setting out the extent of unresolved objection. I can therefore only afford the emerging policies very limited weight in my decision.
9. The supporting text of Policy Villages 1 explains that the policy seeks to ensure that unanticipated development within the built-up limits of a village is of an appropriate scale for that village, is supported by services and facilities and does not unnecessarily exacerbate travel patterns that are overly reliant on the private car, and which incrementally have environmental consequences. The villages have been categorised based on a number of criteria, including the accessibility (travel time and distance) of the village to an urban area by private car and public transport (including an assessment of any network constraints) and the accessibility of the village in terms of walking and cycling. Policy Villages 1 allows for the most sustainable villages to accommodate minor development.
10. This would suggest that the villages of Burdrop, Sibford Ferris and Sibford Gower, as a Category A Service Village, which is considered suitable for minor development, would benefit from a reasonable level of accessibility. Nonetheless, this is contended by the Council and local residents.
11. Burdrop is located between Sibford Ferris and Sibford Gower, as such the appeal site benefits from a range of local services and facilities within a short walk, including a shop, post office, primary school, village hall and doctors' surgery.
12. The nature of the routes to these services and facilities tends to reflect the rural environment of the area, comprising country lanes with limited street lighting. I saw on my visit that the routes largely benefit from pedestrian footways, albeit narrow ones. The sections where there is no footway are within Burdrop and Sibford Ferris where speed limits are limited to 20mph. Moreover, the amount of vehicle movements along these routes is modest, and the nature of the routes means that vehicles travel at a low speed, even between the villages where the speed limit increases to 60mph. I recognise that my observations only represent a snapshot in time, and that the number of car movements may increase at other points in the day. However, there is nothing to suggest that what I saw on site was untypical.
13. Future occupants of the proposal would also benefit from the pedestrian only path connecting Hawk's Lane with Acre Ditch to access the local service and facilities in Sibford Gower, which include a nursery and primary school, a village hall and

church and the Wykham Arms, another public house that serves both food and drink daily. This pedestrian only path also benefits from natural surveillance from the adjacent houses.

14. I appreciate that the route to Sibford Ferris includes steep topography, which could be challenging and uninviting for certain users. However, the appeal site is also located close to bus stops providing services to Sibford Gower, Stratford upon Avon, Sibford Ferris and Banbury. Although the services may be limited, the bus would provide an alternative form of transport for those less able to walk or cycle.
15. The Council has brought to my attention an application relating to another site in Sibford Gower that went to appeal¹, whereby the Inspector identified the site to have accessibility constraints. Nonetheless, while there are only limited details of this other appeal before me, the location of this site appears to be quite different from the location of the appeal site. In that case, the site was located outside the village envelope of Sibford Gower, beyond a reasonable walking distance of the shop and post office in Sibford Ferris. Therefore, future occupants of that proposal would have been more reliant on a private vehicle to access these day-to-day facilities and services than future occupants of the appeal proposal. As such, I afford this application limited weight in my decision. In any event, I have determined the appeal on its own planning merits.
16. I am mindful that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making.
17. Overall, I consider the appeal site to benefit from a reasonable level of accessibility, which reflects both its rural location and central position within a Category A Service Village. Future occupants of the proposed dwellings would have a reasonable choice of sustainable transport modes to access day-to-day facilities and services.
18. Accordingly, the proposal would accord with Policies ESD 1, Villages 1 and SLE 4 of the Local Plan Part 1. These policies seek to ensure that new development is distributed to the most sustainable locations, reduces the need to travel and encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
19. I note that the Council has referred to a conflict with Policy H18 of the Cherwell Local Plan (1996) (Local Plan 1996). However, this policy relates to the construction of new dwellings beyond the built-up limits of settlements. Given the parties agree that the appeal site is within the confines of Burdrop, this policy would appear not to be applicable in this case.

Land use

20. As part of the proposal the appeal property would change use from a public house to residential. Policy S29 of the Local Plan 1996 is clear that proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted. Notwithstanding this, the supporting text recognises that it would be difficult to resist the loss of such facilities when they are proven to be no longer financially viable in the long term.

¹ Appeal Reference: APP/C3105/W/24/3350881

21. The appellant contends that viability of the existing pub business is not a determining factor, as it falls outside of the PIP considerations and should be dealt with at technical details consent stage. Nonetheless, in this case, the change of use of the public house to residential use is an 'in principle' aspect of the residential development proposed, and it needs to be assessed to determine the basic suitability of the appeal site for the land use and amount of development proposed.
22. The planning history for the appeal site is extensive. It shows that applications made to change the use of the public house have been regularly refused since 2007. I have before me the decisions letters for three previous appeals at the appeal site, which involved the change of use of the public house². Unlike some of these previous appeals, there is no detailed expert evidence in respect of viability before me. The appellant has instead provided an outline of his pub landlord experience and marketing information consisting of Facebook posts advertising the services and events offered at the public house. However, the date of this marketing is unclear, as is the size and make-up of the audience.
23. I appreciate that the public house has only been open to the public sporadically since 2007 and I understand that for the use to be made viable in the long term there may be a degree of financial risk. I also share the concerns of the Inspector that determined an appeal for the change of use of the public house in 2018³, regarding whether there is enough adult population in the immediate area to sustain another pub and that changes to make the public house viable could place it in direct competition with the Wykeham Arms in Sibford Gower.
24. Nevertheless, it is evident from the representations made by those who live nearby that the public house is valued by the local community. I note that a nomination in 2021 for it to be added to the Council's list of assets of community value was unsuccessful. However, although it was acknowledged as part of the nomination by both nominator and owner that the current use of the appeal property does not currently further the social wellbeing or interests of the local community, it is not clear whether the frequent closure of the pub contributed to this.
25. Overall, I do not doubt the appellants' experience in running pubs and making them profitable. Nonetheless, there is no substantive evidence before me to demonstrate that the appeal property would not be viable long term in its current use as a public house. The proposal would therefore conflict with Policy S29 of the Local Plan 1996. Accordingly, in the absence of any evidence to the contrary, in this case, the location would not be suitable for the type of development proposed.

Amount

26. The appeal site is located on the edge of the hamlet of Burdrop within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area (CA). I have therefore approached this appeal in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the CA.

² Appeal References: APP/C3105/W/17/3191365; APP/C3105/W/18/3216818; APP/C3105/W/23/3321715

³ Appeal Reference: APP/C3105/W/17/3191365

27. I understand that the houses within Burdrop are clustered around the junction of several historic routes. I saw on my visit that they have an organic arrangement, which has been added to as the hamlet has evolved. While most of the houses have generous plots, they are positioned close to one another creating a degree of enclosure along the narrow country lanes, particularly along the section connecting the appeal site with the doctor's surgery.
28. The Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal (2012) (CAA) explains that there were originally two separate clusters of buildings within the hamlet; one very coherent group fronting a small green at a junction with Main Street and an unnamed track which extends back to Hawkes Lane in a U shape, which includes the appeal site, and a second cluster around Burdrop Farm.
29. The CAA sets out the features of special interest in the CA. It explains that Burdrop exhibits a sense of tranquil village life as it is not located on a main route and enjoys unrivalled south facing views. The buildings and associated gardens form a key component to this. It makes specific reference to the appeal property, which shows the typical vernacular construction of the period. For this reason, it is identified in the CAA as a non-designated heritage asset. Its significance derives from its unassuming architecture, typical of the historic farm buildings.
30. Overall, the significance of the CA, in so far as it relates to this appeal, derives from the traditional farming characteristics of the historic buildings and how their layout and composition relates to the evolution of the area. Also, the tranquillity of the hamlet and views to the south across the valley, known as the Sibford Gap, to Sibford Ferris. The appeal property in its current form makes a positive contribution to the significance of the CA.
31. In addition, I saw on my visit that a medium distance view to the south of the hamlet across the valley can be taken through the gap between the pub building and its neighbour, Barn Close, across the pub car park. This view comprises the houses on the edge of Sibford Ferris, which are nestled between mature trees, as well as the open fields and mature trees within the Sibford Gap. Although the view is limited to a degree by a large conifer tree, the boundary wall to the car park and wooden entrance gates, it is still readily apparent from the small green that the buildings are clustered around. Despite not being explicitly identified in the CAA, the view is an important characteristic of the CA, which makes a meaningful contribution to its significance.
32. The appeal site is also located close to two Grade II listed buildings, its neighbour, Barn Close and Bentons, which is positioned opposite the site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving these buildings or their settings or any features of special architectural or historic interest which they possess.
33. The significance of the listed buildings derives from their architectural and aesthetic value and their contribution to the composition of Burdrop.
34. There is a high level of intervisibility between the public house car park and both the listed buildings. Views along the lane connecting the appeal site with the doctor's surgery when entering Burford include all three. The gap provided by the car park creates a sense of spaciousness, which allows the listed buildings and their significance to be seen and appreciated. Furthermore, the views across the

car park form an important part of the setting to Barn Close, allowing this listed building and its significance to be seen and appreciated in its rural setting.

35. The appeal site in its current form therefore contributes positively to the setting of the listed buildings. It is the sense of spaciousness provided by the gap and the views across the car park to the south that are significant in relation to this appeal.
36. The submitted plans do not include an indicative layout for the proposed dwellings. Although this is not a requirement for a permission in principle application, from the evidence before me, it is unclear how the appeal site would accommodate the 3-7 dwellings proposed. While the appellant's statement describes the scheme as a combination of converting the existing public house, infilling a small gap and minor development on the edge of the village, I am unsure how many of the dwellings it is intended would be delivered as part of each element.
37. Notwithstanding this, the proposal, as a whole, would erode the openness of the appeal site, and the proposed new dwellings, including the subdivision of the plots and likely increase in domestic paraphernalia, would urbanise the rural setting of the appeal property. The degree of urbanisation would vary considerably depending on the number of dwellings constructed in addition to the conversion of the public house, as well as the layout and design of the proposed dwellings.
38. The CAA identifies the south facing views from Burdrop as a feature of special interest and I have found the view across the car park to be an important characteristic of the CA, which makes a meaningful contribution to its significance. This view also forms an important part of the setting to Barn Close. As such, the infilling of this gap would conflict with Policy C33 of the Local Plan 1996.
39. In the absence of an indicative design and layout for the proposal, it is difficult to assess the precise effect it would have on the views taken through this gap. However, given the number of dwellings proposed for the site, there is a tangible risk these views would be obstructed to some degree by the proposal.
40. It has been brought to my attention that there have been previous permissions for the development of a holiday letting cottage on part of the public house car park. I understand that there is an extant planning permission for a 3-bedroom cottage for holiday let that was approved in 2024⁴ (2024 application). This was on the same siting as a previous application for a similar development, which was allowed on appeal in 2016 (2016 application)⁵.
41. In its assessment of the 2024 application, the Council considered that, having regard to its scale, design and siting, the 3-bedroom cottage did not result in a harmful impact on designated heritage assets. While I have limited details before me regarding the 3-bedroom cottage for holiday let, this indicates that it may be possible to deliver one dwelling on the car park, in a similar position and of a similar scale and size to that approved, without having a harmful impact on the designated and non-designated heritage assets.
42. Nonetheless, I am of a similar view to the Inspector of the 2016 application, that any further development within the car park of the public house would have a discernible effect on the south facing views by closing the gap further. From my observations on site, this effect would more than likely be to a degree where it

⁴ Application Ref: 24/00613/F

⁵ Application Ref: 16/02030/F

would harm the significance of the CA, and the setting and subsequently the significance of the listed buildings.

43. From the evidence before me and my observations on site, I am not satisfied that 7 dwellings, private amenity space and parking could be accommodated on the appeal site without resulting in significant harm to the character and appearance and subsequently the significance of the CA and the setting and significance of the listed buildings. Therefore, in the absence of evidence to the contrary, the proposal would fail to meet the statutory duties that I have set out above, and the location would not be suitable for the amount of development proposed.
44. Accordingly, the proposal would conflict with Policies ESD13 and ESD15 of the Local Plan Part 1. These policies seek to ensure that new development proposals conserve, sustain and enhance designated and non-designated heritage assets including conservation areas and their settings, and do not harm the setting of settlements, buildings, structures or other landscape features or the historic value of the landscape.
45. Notwithstanding this, there is nothing before me to suggest that the proposal could not be delivered in a manner that would preserve the appearance of the appeal property and therefore its significance as a non-designated heritage asset.
46. The Council has referred to conflict with Policy C28 of the Local Plan 1996. However, this policy relates specifically to the standards of layout, design and external appearance. Given the application is for permission in principle and there is no indicative layout or design for the proposal, the policy would appear not to be applicable in this case.

Heritage Balance

47. The harm to the significance of the designated heritage assets would be less than substantial. As such, Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal.
48. In this case, the proposal would provide 3 to 7 new dwellings in a reasonably accessible location. This would make a moderate, yet meaningful contribution to the district housing supply. The proposal would also result in some modest economic and social benefits associated with the construction of the dwellings and their subsequent occupation, particularly in terms of supporting the facilities and services in Sibford Ferris, Sibford Gower and Burdrop.
49. Nevertheless, Paragraph 212 of the Framework gives great weight to the conservation of the designated heritage assets, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm. These moderate public benefits would therefore not outweigh the harm that I have identified to the significance of the CA and listed buildings.

Planning Balance and Conclusion

50. The Council does not currently have a five-year supply of deliverable housing sites. The five-year land supply position as of February 2025 was 2.3 years. This is a significant shortfall.
51. Given this, paragraph 11d) of the National Planning Policy Framework (the Framework) falls to be considered. I have found that, based on the evidence

before me, the proposal would result in significant harm to both the significance of the CA and the setting and significance of the listed buildings, which would not be outweighed by public benefits.

52. Consequently, in this case, the application of policies in the Framework that protect heritage assets provide a clear reason for refusing the development proposed. The proposal would therefore not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
53. For the reasons above, the proposal would conflict with the development plan, read as a whole. Having had regard to all material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR