



Appeal Decision

Site visit made on 07 July 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/C3105/W/24/3357508

Duns Tew Manor, Main Street, Duns Tew OX25 6JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by G McAlpine against Cherwell District Council.
 - The application Ref is 24/01295/F.
 - The development proposed is erection of a garden room and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a garden room and associated landscaping at Duns Tew Manor, Main Street, Duns Tew OX25 6JP in accordance with the terms of the application, Ref 24/01295/F, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made against Cherwell District Council by G McAlpine. This application is the subject of a separate decision.

Preliminary Matters

3. The Council failed to determine the application within the prescribed period. Following the submission of the appeal, the Council has prepared an appeal statement which advises that had the Council determined the application, planning permission would have been refused. Putative reasons for refusal are given and identify that the principal concerns relate to the effect of the development on the setting and significance of the Grade II listed building Duns Tew Manor and on the character, appearance and significance of the Duns Tew Conservation Area (CA). I shall formulate the appeal's main issue accordingly.
4. Plans have been submitted with the appeal which the appellant states were submitted to the Council on 11 September 2024 (988_34_Garden Pavilion Proposed Elevations TP, 988_32_A_Garden Pavilion Proposed Elevations TP-1 and 988_33A Garden Pavilion Site Revised). It is unclear whether these plans were accepted by the Council or whether they were consulted upon. Nonetheless, this represents a minor alteration to the original scheme. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to these drawings in determining this appeal.
5. During the appeal the appellant provided a decision notice for a recently approved scheme for the erection of a garden room and associated landscaping at the

appeal site¹. The main parties have had the opportunity to comment on this information.

Main Issue

6. The main issue is the effect of the proposal on the setting and significance of the listed building Duns Tew Manor and on the character, appearance and significance of the CA.

Reasons

7. The appeal site comprises land associated with Duns Tew Manor, a substantial grade II listed building which is located within the CA. I have been provided with the listing description for Duns Tew Manor which sets out that this building is an early 18th century manor house. The building appears to derive its significance from its architectural interest as a well-preserved example of a building of its type and from its status as a substantial house.
8. The CA covers the historic core of buildings in the village and is characterised by its linear layout and its traditional dwelling forms and palette of materials. These characteristics, in addition to the quality of its architectural fabric, appear to be part of the CA's significance. Whilst Duns Tew Manor is listed in the Duns Tew Conservation Area Appraisal (2022) (CAA) as a feature of special interest, the site is well screened and there are limited views of the site from beyond the site boundary including in views from the public realm.
9. The site is also located within the setting of a number of other listed buildings including a 17th century grade II listed circular plan dovecote building located close to the site access, Home Farm House, a grade II former manor house, and St Mary's Church a grade II medieval church to the south of Duns Tew Manor which is identified as a positive landmark in the CAA. Home Farm House and the dovecote appear to derive their significance from the historic and architectural interest of their built fabric and the church appears to derive its significance from its social and community importance, the position, age and form of the building and its decorative architectural features.
10. Planning permission is sought for the erection of a garden room on a part of the site which comprises a walled enclosure containing an area of sunken garden, which is set at a lower level than the manor house. The proposed orangery design would relate well to the host dwelling. The building would be subservient to the host building in scale, would be clearly readable as an ancillary outbuilding and would not visually compete with the host dwelling. It is stated that the boundary wall will be retained on 3 sides and rebuilt on the 4th.
11. Given this, whilst noting that there is existing and consented development within the Manor House grounds, the proposal would not detract from the special character of the listed Manor House or the significance of this building. The proposed building would not be readily visible from the public domain including in views from the CA and would not result in harm to the character and appearance of the surrounding area or the CA. Given the scale and siting of the development and the separation between the site and the other listed buildings nearby I am

¹ Planning application reference 24/03421/F

satisfied that the proposal would not result in harm to the setting or significance of these heritage assets.

12. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting and enhancing the character or appearance of the conservation area². In light of the above, I find that the proposal would preserve the setting and significance of the grade II listed Duns Tew Manor and would not result in harm to the character, appearance and significance of the CA. I therefore find no conflict with policy ESD15 of the Cherwell Local Plan (2015) or policy C28 of the Cherwell local plan (1996) which seek to ensure that proposals are sympathetic to the character of the area and conserve, sustain and enhance designated heritage assets.

Other Matters

13. The building is separated from Home Farm House by a substantial stone wall. Given the single storey scale of the development the proposal would not appear overbearing in views from Home Farm House or result in a loss of light. There would be no opportunities for overlooking. There is no compelling evidence before me that the proposal would result in noise disturbance.
14. Concerns regarding the illumination of the garden room and its forecourt are noted. I am satisfied that this matter can be addressed by condition requiring details of external lighting. I have not been presented with a compelling case which sets out why there is a reasonable likelihood that the site would contain any protected species.
15. Concerns regarding the extent of the application site and whether the proposal should have been submitted as a full planning application are noted. Even if the proposal did go beyond the scope of a householder planning application there is no evidence of any procedural injustice from the application procedure, and I can't see why any would arise. Whilst comments that listed building consent may be required for the proposal are noted; I am nonetheless tasked with determining the appeal before me.
16. The proposal is described as an application for a garden room building. The use of this building as a self-contained dwelling, or the change of use of any other land within the appeal site, would require a further grant of planning permission.

Conditions

17. I have had regard to the conditions suggested by the Council in their statement of case, on which the appellant has had the opportunity to comment. Where necessary I have made revisions to some of the conditions put to me to ensure that they meet the tests in the Framework and Planning Practice Guidance (PPG), without altering their fundamental aims.
18. In addition to the standard time limit condition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the listed host building, a condition is necessary to control the external materials of the development, details of the windows, doors and roof, rainwater goods and landscaping.

² Section 66s and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

19. In the interests of the protection of existing trees, I have attached a condition requiring development be carried out in accordance with the Arboricultural Statement. In view of the likelihood of below ground archaeology being present on the site conditions requiring archaeological mitigation are necessary.

Conclusion

20. For the above reasons, I conclude that the appeal should be allowed subject to the conditions below.

N Robinson

INSPECTOR

SCHEDULE OF 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 be carried out in accordance with the approved drawings:

988_34_Garden Pavilion Proposed Elevations, 988_32_A_Garden Pavilion Proposed Elevations, 988_33A Garden Pavilion Site Revised, 988_06_C_Location Plan_A1

- 3) No development shall take place above foundation level until full details of all external facing materials have been submitted to and approved by the local planning authority in writing. This shall include a sample panel of 1m² minimum to be erected on site to indicate the proposed masonry including stone type, coursing and copings together with mortar mix, joint size, colour and pointing profile. The works shall be carried out in accordance with the approved details. The sample panel shall be retained on site for reference for the duration of works unless otherwise agreed in writing with the local planning authority.

- 4) Prior to their insertion, detailed drawings of the proposed windows (including heads, cills and ironmongery), doors (including jambs and ironmongery) and roof (including parapet) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter.

- 5) The proposed windows shall be in painted timber, single glazed or slim profile double glazed (max 14mm) with spacer bars to match the external joinery colour, flush meeting within the frames, with matching joinery for opening and fixed casements, without trickle vents or surface mounted glazing bars or gaskets. The windows shall thereafter be retained.

- 6) All rainwater goods shall be of cast metal and full details of proposed profiles, thickness and decoration of gutters, downpipes and hoppers shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be carried in accordance with the details approved and the rainwater goods shall thereafter be maintained.

- 7) The roof shall be clad in Welsh-slates laid in diminishing courses, samples of which shall be submitted to and approved in writing by the local planning authority prior to their installation. The roof shall be externally faced in accordance with the approved details and shall be retained as such thereafter.

8) Details of all hard and soft landscaping, biodiversity enhancements, boundary treatments and external lighting shall be submitted to and approved in writing by the local planning authority prior to the relevant phase of works. The development shall not be carried out other than in accordance with the approved details and the hard landscape elements, boundary treatments, biodiversity enhancements and external lighting shall be retained as such thereafter.

9) The development shall be carried out in accordance with the Arboricultural Statement (Land Arb) dated 10 January 2023.

10) No development (including demolition) shall take place until:

(i) An archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority; and

(ii) Any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in full accordance with the approved details within the WSI.

11) Within 2 years of the completion of the archaeological work carried out in accordance with the WSI approved pursuant to condition 10, an archaeological archive report comprising a post-excavation assessment and analysis shall be submitted in writing to the local planning authority.

END OF SCHEDULE OF CONDITIONS