
Appeal Decision

Site visit made on 8 July 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/C3105/W/25/3365167

Field House, 1 Ingleby Paddocks, Enslow, Oxfordshire OX5 3ET

- 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 Songphon Kueawitha against the decision of Cherwell District Council.
 - The application Ref is 25/00556/F.
 - The development proposed is split the curtilage into two and build a new house on the east plot.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is a suitable location for the proposed development with regard to local and national policy; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Suitable Location

3. The appeal scheme would be sited on part of the garden of the existing dwelling known as 1 Ingleby Paddocks (No 1). Ingleby Paddock is a relatively small cul-de-sac and is in my judgement located beyond any built limits of a settlement. It is located in Enslow which both parties agree constitutes a hamlet. Policy Villages 1 of the Cherwell Local Plan 2011-2031 (Part 1) (online version) (the CLP) provides support for proposals like the appeal scheme but only when they are located within the built-up limits of a village. Accordingly, the appeal site is located within the open countryside for planning purposes.
4. Saved Policy H18 of the Cherwell Local Plan 1996 (the CLP 1996) establishes support for new dwellings beyond the built-up limits of settlements subject to certain criterion, such as whether the development is essential for agriculture or other existing undertakings. Additionally, Paragraph 84 of the National Planning Policy Framework (the Framework) also establishes that the development of isolated homes in the countryside should be avoided unless it would comply with one of the exceptions outlined in paragraph 84(a)-(d). These pertain to developments needed for a rural worker, a viable use of a heritage asset, re-use of a redundant or disused buildings or the subdivision of an existing residential building. All of which are not relevant to the appeal scheme before me.

5. Paragraph 84(e) of the Framework requires that the design of the proposed dwelling would be of exception quality which would reflect the highest standards in architecture, raise standards of design more generally in rural areas as well as significantly enhance its immediate settings. There is limited substantive evidence before me to adequately demonstrate that the design of the appeal scheme would meet these requirements of paragraph 84(e).
6. Policy ESD1 of the CLP requires measures to be taken to mitigate the impact of development on climate change. Accordingly, it requires, amongst other things, that developments seek to reduce the need to travel and encourage sustainable travel options to reduce dependence on private cars.
7. The location is relatively isolated and there are limited general facilities such as shops nearby. Consequently, any future occupants would likely be reliant upon private motor vehicle to access general facilities. There is limited substantive evidence before me to adequately demonstrate that there are any alternative sustainable travel options in the immediate locality.
8. Whilst I acknowledge that the overall development of Ingleby Paddocks was granted permission, I do not have the full circumstances of the permission before me. Nevertheless, each application is determined on its own merits and the wider development of Ingleby Paddocks does not, to my mind, provide sufficient justification for the appeal scheme in a location which I have found to be unsuitable.
9. Given all of the above, the appeal site would be an unsuitable location for the proposed development and would conflict with Policy H18 of the CLP 1996 insofar as it seeks to control development beyond the built-up limits of settlements as well as Policy ESD1 of the CLP which seeks to promote genuinely sustainable travel choices.

Character and Appearance

10. The proposed development would introduce a four-bed dwelling in a prominent siting. It would be, in my judgement, highly visible upon entering Ingleby Paddocks and would to an extent be viewed as an incongruous addition to the pattern of development given the cul-de-sac character of Ingleby Paddocks.
11. The design of the dwelling would include a number of dormer windows on both the front and rear elevations. The use of dormer windows is limited within Ingleby Paddocks. Consequently, the number of dormer windows included in the appeal scheme would result in an incongruous design that would detract from the overall character of the surrounding area. The dormer windows would result in a somewhat bulky design and this would be further exacerbated by the varying roof heights proposed and the projection of gable elements. Consequently, whilst there is a small variation in design amongst the dwellings, there remains, to my mind, an overall consistency to the character and appearance of the dwellings in Ingleby Paddocks. Therefore, the overall design of the appeal scheme would result in a conspicuous addition to Ingleby Paddocks and the surrounding area.
12. The design of the garage would not be significantly harmful when considered on its own given the general design of garages on Ingleby Paddocks. However, when viewed in conjunction with the overall design of the appeal scheme it would contribute to its bulky scale and massing.

13. Given all of the above, despite the proposed set back of the appeal scheme and external materials, in my judgement, it would remain an incongruous addition in the street scape and therefore would harm the surrounding rural character and appearance of the area.
14. The appellant has referred to three other planning applications and an appeal decision at Stainfield Road. However, I do not have the full details of the circumstances of these before me. Consequently, I cannot be sure that they are wholly comparable to the appeal scheme. Nevertheless, each application is determined on its own merits and for the site specific and design reasons I have given above, they do not lead me to a different conclusion.
15. In conclusion, the appeal scheme would conflict with Policy ESD15 of the CLP and saved Policies C28 and C30 of the CLP 1996 insofar as they seek to ensure the design of developments are of high quality and sympathetic to the context of their developments.

Other Matters

16. The Council has stated that they are able to demonstrate a housing land supply of 2.3 years. This is below the housing land supply the Council is expected to deliver in line with the Framework. Whilst the proposal would deliver one unit this would nonetheless boost the housing stock in circumstances where there is a shortfall.
17. A lack of harm regarding living conditions of neighbouring occupants regarding privacy and daylight/sunlight are neutral factors in this case.

Planning Balance

18. The conflict with Policies ESD1 and ESD15 of the CLP as well as Policies H18, C28 and C30 of the CLP 1996 results in the proposal conflicting with the development plan when read as a whole. Thus, there would be a conflict with Development Plan policies. Due to the Council's housing land supply position, paragraph 11 d) of the Framework is engaged.
19. The appeal scheme would result in an open market dwelling in a District that is falling below the level of housing supply required by national policy. It would make a modest contribution as indicated in paragraph 73 of the Framework.
20. The appellant highlights that the appeal scheme would increase the vegetation on the appeal site and that the new dwelling would provide a high standard of heating performance. Additionally, that the appeal scheme would provide a benefit to the local economy such as the provision of construction jobs. Nevertheless, these benefits do not outweigh the harm I have identified regarding the location of the development and the harm to the character and appearance of the surrounding area as a result of the design of the appeal scheme.
21. Consequently, the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework policies as a whole.
22. There are no other material considerations of such weight or significance to justify a decision other than in accordance with the development plan.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR