
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: 04 August 2025

Appeal Ref: APP/C3105/W/25/3363077

The Woodyard, Bainton, Oxfordshire, OX27 8RL

- 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 and Mrs Lee and Sarah Willis against the decision of Cherwell District Council.
 - The application Ref is 24/02787/F.
 - The development proposed is conversion to a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appellant has provided during the appeal process a Preliminary Ecological Appraisal and Preliminary Roost Assessment. The Council has had the chance to consider these documents and has confirmed that it no longer wishes to defend the third reason for refusal regarding protected species. Consequently, I am satisfied that this matter has been resolved through the aforementioned documents. Therefore, the main issues are:
 - whether the appeal site is a suitable location for the proposed development having 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. Policy Villages 1 of the Cherwell Local Plan 2011-2031 (Part 1) (the CLP) establishes a growth strategy in rural areas of the District. It outlines that category A (service centres) and category B (satellite villages) would be considered suitable for minor development in addition to infilling and conversions.
4. The appeal site is located in Bainton which is characterised by a relatively small cluster of properties and has limited facilities. There is, to my mind, a sporadic character to the development in Bainton and no clear definition. Accordingly, in my judgement, Bainton constitutes a hamlet and therefore does not benefit from support from Policy Villages 1 of the CLP. Consequently, the appeal site is located in the open countryside for planning purposes.
5. The age of a policy does not automatically result in the policy being classed as 'out of date'. The National Planning Policy Framework (the Framework) aims to

achieve well designed places. It refers to both the development being visually attractive (referring to architecture and layout amongst other things) as well as ensuring that they are sympathetic to local character including, amongst other things, the surrounding built environment and landscape setting. Consequently, Saved Policy H19 of the Cherwell Local Plan 1996 (the CLP 1996) which establishes support for the conversion of a rural building, whose form, bulk and general design is in keeping with its surroundings to a dwelling located beyond the built-up limits subject to certain criterion, is consistent with the Framework. It is therefore pertinent to the appeal before me.

6. The supporting text of a policy does not have the force of a policy. However, it remains that the text is relevant to the interpretation of the policy. In this case, the supporting text of Policy H19 of the CLP 1996 does not provide an additional criterion but instead provides clarity regarding the type of building for which the policy was intended. It states that the policy does not pertain to buildings of modern construction but to traditional farm buildings.
7. Therefore, given that the appeal building is a steel frame structure with metal cladding on three sides of the building, its scale, massing and overall character, is to my mind, a modern agricultural building and therefore does not comply with Policy H19 of the CLP 1996.
8. Nevertheless, even if Policy H19 of CLP 1996 was relevant to the appeal building, H19(i) requires that the building can be converted without major rebuilding. The Structural Inspection Report highlights that its comments regarding the foundations are based upon information supplied by their Client's father and that no trial holes were excavated at the time of the inspection. Therefore, the report states that it is unable to comment on the size and condition of the foundations and that it may be possible to install an intermediate floor within the current frame but this would be subject to the final design and a check on the existing foundations.
9. I consider that the construction of a wall, insertion of windows, full insulation and the theoretical insertion of an additional floor does not equate to a major rebuild. However, given the lack of information regarding the foundations and therefore the possible consequence they could have upon the structural ability to provide the additional floor, in my judgement, it has not been adequately demonstrated that the appeal building could be converted without a major rebuild taking place.
10. Furthermore, Policy ESD1 of the CLP pertains to climate change mitigation and consequently aims, amongst other things, to deliver the goals of sustainable development. It establishes that growth should be distributed to sustainable locations, developments should reduce the need to travel as well as encourage sustainable travel options and reduce dependence on private motor vehicles.
11. The appeal site is, to my mind, relatively isolated from facilities such as shops and schools. Consequently, any future occupants would be dependent upon private motor vehicle to access these facilities amongst others.
12. Whilst paragraph 83 of the Framework promotes sustainable development in rural areas, paragraph 84 of the Framework aims to avoid the development of isolated homes in the countryside unless the development would meet one of its criterion. There is limited substantive evidence before me to adequately demonstrate that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, that it is the optimal viable use of a heritage

asset, that it would subdivide an existing residential building or that its design is of exception quality.

13. The appeal building has been used to store items as is evident in the images provided by the appellant in their design and access statement dated October 2024. It also states that the building is not used to any great degree and that the building is capable of being considered to be redundant or disused as it could be cleared and emptied easily. Nevertheless, irrespective of whether the items in the images were for scrappage, it remains that the building has still been used for storage relatively recently. Consequently, regarding criterion (c) of paragraph 84 of the Framework which relates to the re-use of a redundant or disused building, there is limited substantive evidence before me to adequately demonstrate that the appeal building is indeed redundant or disused.
14. Given all of the above, the appeal scheme would not meet one of the exceptions and therefore, to my mind, it would result in an isolated home in the countryside.
15. The appellant refers to a different site and barn referred to as Grange Farm. I do not have the full circumstances and details of the application and therefore cannot be certain that it is wholly comparable to the appeal scheme before me. Nevertheless, given the specific details of the structural report and siting of the appeal barn before me, it does not lead me to a different conclusion.
16. Additionally, Planning Practice Guidance¹ outlines in regard to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), that internal works are not generally development and that undertaking internal structural works such as allowing for a floor amongst other things would not be prohibited by Class Q of the GPDO.
17. The appeal before me is not for a Class Q development and there is limited evidence before me to adequately demonstrate that there is a greater than theoretical possibility of a Class Q development taking place. Notwithstanding this, the addition of a floor is not necessarily problematic. Instead, as I have identified above, there is a lack of adequate evidence regarding the foundations to demonstrate that the appeal scheme would not result in a major rebuild to accommodate an additional floor and the appeal site, is to my mind, in an isolated and unsuitable location for the proposal.
18. In conclusion, the appeal site would result in an isolated dwelling in the countryside and given that there is limited substantive evidence to adequately demonstrate that the appeal scheme would not require a major rebuild of the building it would be an unsuitable form of development in the open countryside. Therefore, the appeal site would therefore not be a suitable site for the appeal scheme. Consequently, it would conflict with Policy ESD1 of the CLP and Saved Policy H19 of the CLP 1996 insofar as they seek to ensure developments (including conversions of buildings in the countryside) would not require a major rebuild nor be located in unsustainable locations and result in a dependence upon private motor vehicle.

¹ Planning Practice Guidance Paragraph: 105 Reference ID: 13-105-20180615

Character and Appearance

19. The proposal would introduce an inset porch with a balcony above as well as domestic fenestration at a relatively high level due to the proposed addition of a first floor. These features are not overly typical in modern agricultural buildings and given that the proposed fenestration would result in significant glazing it would in my judgement, result in a design that is visually cluttered. Additionally, the appeal site is located within a functioning woodyard, in which there are examples of agricultural buildings being used. Consequently, the likely associated domestic paraphernalia would further detract from the rural character of the surrounding area.
20. The appeal scheme would not include any significant extensions to increase the existing scale of the appeal building which in its current form is of a somewhat typical scale and bulk for an agricultural building. Nevertheless, the proposal would result in a domestic dwelling that would, to my mind, be overly large in terms of scale and massing and thus a conspicuous addition to the surrounding area.
21. Given all of the above, the proposed fenestration, porch and balcony would result in an overly domesticated character of the building, which in conjunction with its large scale would unacceptably harm the rural character and appearance of the surrounding area.
22. Therefore, for the reasons given above, to my mind, the dilution of the rural character of the surrounding area as a consequence of the appeal scheme would not result in the overall enhancement of the immediate setting.
23. Whilst the proposed north elevation with its significant fenestration would not necessarily be within a prominent public view, this does not provide adequate justification for a design that does not assimilate with the general rural character of the area.
24. Regarding other farm-style buildings in the hamlet of Bainton, I do not know the circumstances of these buildings and consequently cannot be certain that they are wholly comparable to the appeal before me. Notwithstanding this, each case is determined on its own merits. Additionally, it is for the same reasons as well as the site-specific context of the appeal before me, that an application determined by the Council regarding Grange Farm does not lead me to a different conclusion.
25. 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 developments complement and enhance the character of their context through high quality design.

Other Matters

26. 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, it would nonetheless be valuable in boosting housing stock in circumstances where there is a shortfall.
27. The appellant has referred in their application form to the proposal being self-build. There is no adequate legal mechanism before me to secure the appeal scheme as

self-build. However, even if the self-build had been secured this would not have overcome the harm I have identified above.

28. Interested parties have provided support relating to the contribution the appellant's family would make to Bainton and its residents regarding childcare and the support the appellant could give to family members who currently run the existing timber business.
29. I recognise that the appellant's family live close to the appeal site and that the appellant has been living close to the appeal site for a number of years. Nevertheless, it is the personal preference of the appellant and their family to convert the existing building to a dwelling. These personal circumstances do not outweigh the harm I have identified above and there has been limited substantive evidence to demonstrate an absolute need for the development in this location.
30. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share and do not share a protected characteristic.
31. The appeal scheme would provide accommodation for a family including children and therefore a refusal of permission could affect a person with a protected characteristic.
32. Having regard to my duty, I have concluded that the decision to dismiss the appeal is proportionate in view of the reasons discussed in the main issues above as well as taking into account the benefits of providing family accommodation. Therefore, the PSED considerations do not outweigh the harm I have identified in the main issues of this appeal.
33. A lack of harm regarding the proposal in relation to the living conditions of neighbouring residents and the future occupants of the appeal scheme including privacy as well as wildlife, the environment and highways are neutral factors in this case.
34. I do not have the full circumstances and details of development or proposed development in Bucknell. Nevertheless, I have identified above the harm that would result as a consequence of the proposed development and each case is determined on its own merit.

Planning Balance

35. As set out above, the appeal scheme would not be located in a suitable location and would result in unacceptable harm to the character and appearance of the surrounding area. Thus, there would be a conflict with Development Plan Policies and the Framework. Given, the Council's housing land supply position, paragraph 11 (d) of the Framework is engaged. Nevertheless, given that the relevant policies accord with the Framework, this conflict attracts significant weight in this case.
36. The appeal scheme would result in one residential 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 by paragraph 73 of the Framework.

37. Nevertheless, the adverse impacts I have identified as a consequence of the appeal scheme would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework policies as a whole.
38. There are no material considerations of such weight of significance to justify a decision other than in accordance with the development plan

Conclusion

39. 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