



Appeal Decisions

Site visit made on 15 July 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal A: Ref APP/Q3115/C/24/3341746

Land to the south of Glebe Retreat, 129 Cuddesdon Road, Horspath OX33 1JB which is shown edged red on the plan annexed to the notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Aran Jaycock against an enforcement notice issued by South Oxfordshire District Council.
- The enforcement notice (Notice A) was issued on 22 February 2024.
- The breach of planning control as alleged in the notice is:
On the Land, without planning permission, the erection of a building used as a self-contained dwelling and for storage; the material change of use of the land from residential use to a mixed use of residential and mixed unauthorised residential and non-residential storage including but not limited to: cars, motor bikes, shipping containers, tyres, vehicle maintenance equipment and paraphernalia associated with the unauthorised residential building; the formation of hardstanding adjacent to the unauthorised building to facilitate the unauthorised use (these breaches are all sited, and shown for indicative purposes only, in the area coloured green on the attached plan); and the erection of an outbuilding (pool house) and swimming pool with associated hardstanding forward of the principal elevation of the dwelling known as Glebe Retreat (not Permitted Development) (shown for indicative purposes only within the area coloured blue on the attached plan).
- The requirements of the notice are to:
 - (i) Cease the mixed use of the Land for unauthorised residential and storage.
 - (ii) Permanently remove from the Land the building, that is sited within that part of the Land shown coloured green on the attached plan, used as a self-contained dwelling and for storage.
 - (iii) Permanently remove from the Land all other storage associated with the unauthorised use, including but not limited to: cars; motor bikes; shipping containers; tyres; vehicle maintenance equipment and paraphernalia associated with the unauthorised residential building, that for indicative purposes only are currently sited within that part of the Land shown coloured green on the attached plan.
 - (iv) Dig up and remove from the Land all hardstanding and hardcore or other materials that have been laid to enable the erection of the unauthorised building used as a self-contained dwelling and for storage, and that has also enabled the unauthorised outside storage use within that part of the Land shown coloured green on the attached plan.
 - (v) Remove from the Land all of the resultant debris and materials associated with undertaking steps (ii) (iii) and (iv) above; and
 - (vi) Return the Land affected to grass by laying topsoil commensurate with surrounding land levels and seed with grass.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (c) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Appeal B: Ref APP/Q3115/C/24/3356548
Glebe Retreat, 129 Cuddesdon Road, Horspath OX33 1JB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Aran Jaycock against an enforcement notice issued by South Oxfordshire District Council.
 - The enforcement notice (Notice B) was issued on 14 November 2024.
 - The breach of planning control as alleged in the notice is:
On the Land, without planning permission, the erection of an outbuilding used as a pool house forward of the principal elevation of the dwelling known as Glebe Retreat (not Permitted Development). The outbuilding is shown for indicative purposes only within the area coloured blue on the attached plan.
 - The requirements of the notice are to:
 - (i) Permanently remove from the Land, the outbuilding and any foundations and/or concrete base (as applicable) that it sits upon, that is sited within that part of the Land as shown in the indicative position coloured blue on the attached plan and used as a pool house.
 - (ii) Permanently remove from the Land all of the resultant debris and materials arising from compliance with undertaking step 5(i) above; and
 - (iii) Return the Land to its condition prior to the breach, as grass, by sewing grass seed on all those parts of the Land disturbed by compliance with the requirements of this notice.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the ground set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended (the Act).
-

Appeal C: Ref APP/Q3115/D/24/3350941
Glebe Retreat, 129 Cuddesdon Road, Horspath, Oxford, Oxfordshire OX33 1JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Jaycock against the decision of South Oxfordshire District Council.
 - The application Ref P24/S0214/HH, dated 18 January 2024, was refused by notice dated 17 June 2024.
 - The development is pool house, swimming pool and associated patio area.
-

Decisions

1. It is directed that Notice A be corrected by:

- the replacement of "erection of a building used" by "extension of a building and its use" in Section 3;
- the deletion of "; the material change of use of the land from residential use to a mixed use of residential and mixed unauthorised residential and non-residential storage including but not limited to: cars, motor bikes, shipping containers, tyres, vehicle maintenance equipment and paraphernalia associated with the unauthorised residential building; the formation of hardstanding adjacent to the unauthorised building to facilitate the unauthorised use" and "these breaches are all sited, and" in Section 3;
- the replacement of "mixed use of the Land for unauthorised residential and storage with "use of the building as a self-contained dwelling and for storage" in Section 5(i);

- the addition of “extension” after “building” in Section 5(ii);
 - the deletion of “used as a self-contained dwelling and for storage” in Section 5(ii);
 - the deletion of Section 5(iii) in its entirety;
 - the deletion of Section 5(iv) in its entirety; and
 - the deletion of the letter “s” in the word “steps” in Section 5(v), together with “(iii) and (iv)”.
2. Subject to these corrections, Appeal A is allowed and Notice A is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely: the extension of a building and its use as a self-contained dwelling and storage, and the erection of an outbuilding (pool house) and swimming pool with associated hardstanding forward of the principal elevation of the dwelling known as Glebe Retreat.
3. Appeal B is dismissed and the enforcement notice is upheld.
4. Appeal C is allowed and planning permission is granted for pool house, swimming pool and associated patio area at Glebe Retreat, 129 Cuddesdon Road, Horspath, Oxford, Oxfordshire OX33 1JB in accordance with the terms of the application, Ref P24/S0214/HH, dated 18 January 2024, and the plans submitted with it (07-043/F/901 and 07-043/F/902).

Procedural Matters

5. Since the appeals were received, changes have been made to the National Planning Policy Framework (the Framework). Accordingly, and particularly given the changes made to the Chapter on protecting Green Belt land, the parties have provided comments as to the effects of those changes on their cases. I have taken all into account.

Appeal A Ground (b)

6. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice said to constitute a breach of planning control have not in fact occurred. The burden of proof sits with the appellant.

The building

7. The notice states that one component of the alleged breach of planning is ‘*the erection of a building used as a self-contained dwelling and for storage*’. While it is uncontroversial that the building has been used for storage, the appellant’s statutory declaration says that the living accommodation created at its western end was intended for temporary use for himself and his family while the main dwelling on the land (Glebe Retreat) was demolished and re-built pursuant to an extant 2019 planning permission. It is explained that, while operations were undertaken to secure implementation of that permission, the development has not to date been progressed due to a number of personal reasons as well as the Covid pandemic. The statutory declaration was solemnly made under the Statutory Declarations Act 1835 before a solicitor, and give the evidence it contains moderate weight.

8. The appellant further states within his appeal submissions that, while the living accommodation has been used by family friends and guests, such use has only been ancillary to the residential use of Glebe Retreat.
9. However, the appellant's response to the Planning Contravention Notice (PCN) issued by the Council refers to someone called 'Baz' or 'Barry' (an employee) renting the building for 'short term occasional stays'. The appellant's wife, Mrs Jaycock, also referred in her PCN response to 'Barry' using the building for 'short term/occasional lets'. Neither response provided the address of this individual, despite it being required by the PCNs. Neither was it subsequently provided, it seems, despite follow-up enquiries by the Council officer.
10. I place significant weight on the evidence within the PCN responses as it is an offence to give false or misleading information. The living accommodation affords all the facilities required for day-to-day private domestic existence and the PCN responses indicate that it was leased out. It is for the appellant to demonstrate that such use by 'Baz' or 'Barry' was only as ancillary to the use of Glebe Retreat and I find that his appeal submissions do not adequately address the use of the building by that individual. The appellant's statutory declaration does not deal with the matter at all, and the failure to provide the requested contact details to the Council (presumably for further investigation of the use) has also meant that the matter has been inadequately elucidated. It is for the appellant to demonstrate his case to the necessary standard of proof, and with sufficiently precise and unambiguous evidence. He has not. Accordingly, I am not satisfied on the balance of probabilities that the building has not been used as a self-contained dwelling and for storage, and ground (b) does not succeed in this regard.

Use of the land

11. In essence, the appellant's case under this ground is that there is no non-residential storage upon the land as stated in the notice.
12. The PCN responses, to which I have afforded significant weight, do not indicate any commercial use of the land. The statutory declaration is consistent with the PCN responses and explains that the vehicles on site form part the appellant's collection as a motorsport enthusiast, or are for family use. I have seen limited substantive evidence to the contrary. Whilst there are a number of vehicles (including those situated outside upon the hardstanding in the area coloured green on the enforcement plan), I find their presence upon the land consistent with the appellant's account and consider such storage (of cars, motorbikes, tyres and vehicle maintenance equipment) to be a use – as a matter of fact and degree - which is both subordinate and ancillary to the residential use of Glebe Retreat. Essentially the primary use of the land remains residential in character, with the vehicle collection and associated items not being so substantial in nature and number so as to cause otherwise.
13. The statutory declaration says that the shipping containers are used to store materials and equipment to be used in the development of the site pursuant to the extant 2019 planning permission. I have seen no substantive evidence to the contrary, nor did I see anything on my site visit to lead me to a different conclusion.
14. For these reasons, I am satisfied on the balance of probabilities that ground (b) succeeds as regards this matter. I am correcting the notice accordingly.

Appeal A Ground (c)

15. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice do not constitute a breach of planning control.

The building

16. I accept the account, within the statutory declaration, that the building was initially erected in late 2019 within the residential curtilage of Glebe House (137 Cuddesdon Road) before the wider parcel of land was subdivided into 2 plots (Glebe House and Glebe Retreat). I also accept, from the statutory declaration and looking at the photographs attached to it, that the building comprised a home office with toilet, storage areas and garage/workshop (and that the living accommodation referred to above came about later). As such it appears to me, on the balance of probabilities, that this was a building provided within the curtilage of a dwellinghouse incidental to the enjoyment of it. Accordingly, it would have been lawful by reason of Article 3(1) and Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) subject to the limitations and conditions within those provisions. However, the burden of proof is upon the appellant on this legal ground of appeal to demonstrate to the required standard of proof there is not a breach of planning control. The appeal submissions do not provide sufficient evidence (of a sufficiently precise and unambiguous nature) to demonstrate that the building is not caught by the limitations and conditions of Class E, and therefore ground (c) does not succeed as regards this matter.

The hardstanding

17. Article 3(1) and Schedule 2, Part 1, Class F of the GPDO provides general planning permission for the provision within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of a dwellinghouse. Given my findings on ground (b), and that the hardstanding targeted by the notice is for the purpose of facilitating storage and parking ancillary to the lawful residential use of Glebe Retreat, I find as a matter of fact and degree and on the balance of probabilities that it does not constitute a breach of planning control. Ground (c) succeeds on this matter, and I shall correct the notice accordingly.

Appeal A Ground (d)

18. For success on this ground, the appellant must demonstrate on the balance of probabilities that enforcement action was not possible on the date the notice was issued.
19. I find it clear from all the photographic evidence submitted by both parties, and supported by the statutory declaration and PCN responses, that the building that exists today was constructed in 2 distinct building operations. An initial building was substantially completed by 9 October 2019. A second and separate building operation commenced in late March 2020 which extended the building eastwards.
20. The provisions of section 171B(1) of the Act mean that no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed. As the notice was issued on 22 February 2024, the erection of the building has acquired immunity from enforcement action – but not the extension.

21. Section 171B(2) of the Act provides that where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of 4 years beginning with the date of the breach. The statutory declaration refers to subsequent internal alterations to the building to provide the living accommodation, but it is not sufficiently precise and unambiguous as to when. Nor do the PCN responses state when 'Baz/Barry' started to reside in the building. Accordingly, on the balance of probabilities, I do not find that it was too late for the Council to take action on the unauthorised change of use of the building when the notice was issued.
22. For the above reasons, ground (d) succeeds to the extent indicated and I shall correct the notice accordingly.

Appeal A Ground (a) and the deemed planning application; Appeal C

Main Issues

23. I have derived the main planning issues in the appeals from the Council's stated reasons for issuing Notice A (Section 4) and the Decision Notice in Appeal C. They are:
- whether or not the appeal developments are inappropriate developments in the Green Belt; and
 - the effect of the building extension on the character and appearance of the area (the allegation now only refers to the extension since I have found the original un-extended building to be lawful under ground (d)).

Reasons

Green Belt

24. The appeal site falls within the Green Belt. The Framework says that development in the Green Belt is inappropriate, apart from certain specified exceptions.
25. One of the Framework exceptions (at paragraph 154.g)) is limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
26. I find as a matter of fact and degree that the appeal site is previously developed land, for the following reasons:
- In the 2010 appeal (APP/Q3115/C/09/2110836) the Council confirmed that the whole of the 1.2 hectares associated with 137 Cuddesdon Road (the combined red and blue land on the Notice A plan) was part of the residential curtilage;
 - As outlined in the Planning History section of the Council's Statement of Case, the Council subsequently issued lawful development certificates for a number of outbuildings under Class E of Part 1 of Schedule 2 of the GPDO across the entirety of the site – such rights only being available within the curtilage of a dwelling;

- The implemented 2019 planning permission for the replacement dwelling at the appeal site includes the whole of the site in the residential curtilage of the approved property;
- The split decision for the approval of the swimming pool includes a red-edge plan showing the curtilage of the property, and which includes the whole of the appeal site;
- The allegation in Notice A includes change of use from residential use to a mixed use (including residential) of the land in green within the appeal site.

The building extension

27. Another Framework exception (paragraph 154.c)) is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Given the limited size and scale of the extension relative to the original building, I do not find that it has resulted in disproportionate additions to it. Therefore, under this exception, it is not inappropriate development in the Green Belt.
28. In any event, the subordinate addition to the original building within the context of the existing built form would not cause substantial harm to the Green Belt. The extension would therefore also benefit from the Framework exception at paragraph 154.g).

Building use

29. The change of use of the building (from a use incidental to the enjoyment of a dwellinghouse to a self-contained dwelling and for storage) would have very limited effects on the spatial and visual openness of the Green Belt. It would not cause substantial harm. It is therefore not inappropriate development in the Green Belt, upon the previously developed land, due to the Framework exception at paragraph 154.g).

Outbuilding (pool house) and swimming pool

30. I agree with the reasons given by the Council in its Delegated Report on P24/S0214/HH – resulting in planning permission being granted for the swimming pool (and surrounding patio) by way of a split decision – that these relatively non-intrusive engineering operations preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. They therefore meet the Framework exception at paragraph 154.h)ii. as well as the exception at paragraph 154.g).
31. The pool house causes moderate harm to the openness of the Green Belt due to the space it fills and its visual impact atop one of the terraced positions of the site. However, it is a fairly modest structure (including when compared to other buildings on the site) and its presence falls far short of causing substantial harm, even in combination with the other development elements.

Green Belt conclusion

32. For the reasons given, the appeal developments (Appeals A and C) do not constitute inappropriate development in the Green Belt. As such, there is no conflict with Policies STRAT1 and STRAT6 of the South Oxfordshire Local Plan 2011-2035 (SOLP) which together seek to protect the Green Belt. There is also no conflict with the Framework.

Character and appearance

33. The low-key design, scale and form of the extension – which directly replicates the original building - and which has limited visibility beyond the site due to screening, causes no harm to the rural character of the area and does not adversely impact upon the visual appearance of the landscape. For the same reasons, it does not encroach upon the countryside.
34. For these reasons, the development does not conflict with Policies DES1, DES2 and ENV1 of the SOLP which together seek to ensure high quality design which protects local character, the countryside and the landscape.

Planning Conclusions

35. The appeal developments (Appeals A and C) accord with the development plan as a whole, and there are no other considerations which outweigh those findings. I shall grant planning permission in each appeal, with no planning conditions appearing necessary to make the developments acceptable.

Appeal B ground (g)

36. For success on this ground, I must be satisfied that the 2 month compliance period of Notice B falls short of reasonable.
37. The appellant requires 4 months for contractors to undertake the demolition work, but it seems to me that the work (including all the steps of the notice) can reasonably be completed within 2 months.
38. As far as it is relevant, given my Decisions on Appeals A and C and the effect of Section 180 of the Act, ground (g) does not succeed.

Conclusions

39. Due to successes on grounds (b), (c) and (d) I am correcting Notice A as I have indicated, before quashing it, in order to clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended. For the reasons given above I conclude that Appeal A should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation. In these circumstances, it is not necessary to consider grounds (f) and (g).
40. For the reasons given above, I consider that Appeal B should not succeed.
41. For the reasons given above, I conclude that the Appeal C should be allowed.

Andrew Walker

INSPECTOR