
Appeal Decision

Site visit made on 6 August 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/C3105/W/25/3366681

8 Heathfield Cottages, Heathfield, Oxfordshire OX5 3DU

- 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 permission in principle.
 - The appeal is made by Mr C Liversedge on behalf of Trinity Properties Limited against Cherwell District Council.
 - The application Ref is 25/00748/PIP.
 - The development proposed is proposed conversion of existing building to form 1 no. dwellinghouse. Removal of existing outbuildings.
-

Decision

1. The appeal is allowed and permission in principle is granted for proposed conversion of existing building to form 1 no. dwellinghouse. Removal of existing outbuildings at 8 Heathfield Cottages, Heathfield, Oxfordshire OX5 3DU in accordance with the terms of the application, Ref 25/00748/PIP.

Preliminary 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.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its statement, that had the Council determined the application, it would have refused planning permission. The substance of the Council's statement has informed the main issues of the appeal.

¹ Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

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

Reasons

6. The appeal site is a large parcel of land that contains a single storey stable building. The site is located between a row of dwellings but is not located within a settlement and is therefore within the open countryside.
7. Policy H19 of the Cherwell Local Plan November 1996 (LP) supports the conversion of buildings within the countryside subject to certain criteria. The supporting text outlines that it is intended that this policy should encourage the conversion of traditional farm buildings rather than buildings of modern construction. However, while conversion of traditional farm buildings may be encouraged, it does not preclude modern buildings such as the one subject to this appeal from being converted. The appellant has referred to an appeal decision² at a nearby site whereby the Inspector found the same.
8. However, the Council raise no specific concern in relation to the development relating to the conversion of a modern building. Instead, one of the criteria of Policy H19 requires that the proposal meets the requirements of the other Policies in the Plan, including those that seek to avoid isolated development in the countryside by ensuring that the need to travel by private car is reduced.
9. The appeal site is located in an area where there is no reasonable access to facilities by walking or public transport. While the appellant states that there are excellent transport links, evidence has not been provided of this. The site is located on a predominantly unlit road with no footpaths. As a result, future occupiers would be dependent on the use of a private vehicle to access day to day facilities.
10. I therefore conclude that the appeal site would not be suitable for residential development, having regard to its location, the proposed land use and the amount of development. It would be contrary to Policy H19 of the LP, Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 and Paragraph 115 of the Framework. Amongst other things, these seek to ensure that proposals result in development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.

Other Matter

11. The site is located in the Green Belt. There is no dispute that it would involve the re-use of a building of a permanent and substantial construction and would not result in harm to openness or any conflict with the purposes of including land within the Green Belt. Therefore, it would not be inappropriate development in the Green Belt.

² APP/C3105/W/18/3214878

Planning Balance

12. The proposal would be contrary to Policy H19 of the LP and Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015. These Policies are consistent with the Framework in seeking to ensure that decisions should avoid the development of isolated homes in the countryside and prioritise sustainable transport modes.
13. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The Council is only able to demonstrate a 2.3 year supply which represents a substantial undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
14. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. This attracts significant weight in favour of the proposed development. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality.
15. In this instance, the location of the development would not significantly and demonstrably outweigh the benefits. As such, the proposal would constitute a sustainable form of development in terms of the Framework.
16. Consequently, when assessed against the Policies in the Framework when taken as a whole, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.
17. The Council have requested that conditions should be imposed if permission was granted. However, PPG indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount³.

Conclusion

18. For the reasons given above the appeal should be allowed and permission in principle is granted.

D Wilson

INSPECTOR

³ Paragraph: 020 Reference ID: 58-020-20180615