



Appeal Decision

Site visit made on 5 August 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 September 2025

Appeal Ref: APP/D3125/W/24/3352523

Plot 1, Land at Church Enstone, Chipping Norton, Oxfordshire OX7 4NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs Caroline Hicks against the decision of West Oxfordshire District Council.
 - The application Ref is 24/00880/PIP.
 - The development proposed is construction of one single storey 2 bedroom stone dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The 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 two 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 two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. 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. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for one dwelling.

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, with particular regard to the development strategy for the area, the character of the area, and access to services and facilities.

Reasons

Development strategy and character of area

6. The appeal site is part of an agricultural field accessed off Cling Clang Lane near the village of Church Enstone. At the time of my visit the appeal site, and the wider field, was laid to grass.

7. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan. Policy OS2 of the West Oxfordshire Local Plan 2031 (the LP) aims to steer new housing development to be within and on the edge of main service centres, whilst also allowing for limited development in defined villages. Development in the small villages, hamlets and open countryside should be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. All development should form a logical complement to the existing scale and pattern of development and/or the character of the area.
8. Church Enstone is not listed as a main service centre, rural service centre or village in the supporting text to Policy OS1 of the LP and is, therefore, considered to be a small village, hamlet, or open countryside.
9. Policy H2 of the LP seeks to resist new dwellings in small villages, hamlets, and open countryside, except in certain circumstances. The appellant is arguing that the appeal proposal would be designed, at the technical details stage, to be a residential development of exceptional quality or innovative design.
10. Paragraph 84 of the National Planning Policy Framework (the Framework) seeks to avoid the development of isolated homes in the countryside unless one of the five circumstances apply. Subsection e) allows for dwellings where the design is of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture, would help to raise standards of design more generally in rural areas; would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
11. The appeal site is separate from the other houses in Church Enstone and is part of the countryside and open fields around the village rather than part of the village. Nevertheless, a dwelling on the appeal site would not be isolated in that it is close to the existing housing in the village. Even though the site is not isolated any exceptional quality or innovative design dwelling would need to be sensitive to the character of the village to comply with the local and national policies.
12. Church Enstone is a clustered village with housing grouped together with limited gaps between dwellings. The location of the appeal site would not be within or next to the existing dwellings and would be separated from the nearest property by a paddock area, even though it would be a similar distance back from the road as the next dwelling. Residential development of the appeal site would extend the village beyond its natural boundaries and beyond an open area on the edge of the village. It would, therefore, appear out of keeping with the existing built form of the village and not be sensitive. It would not form a natural infill or logical complement to the small village. The location of the development would result in an incongruous addition which would be harmful to the open countryside, including the Glyme valley, as identified in the West Oxfordshire Landscape Assessment.
13. There are two public rights of way (PROWs) which run near to the site. Currently the views from these PROWs are of the open field and countryside beyond. The village of Church Enstone is visible from the PROWs, but the village is viewed as a group of buildings surrounded by open fields. The appeal proposal would be highly visible from the PROWs and visible as an incongruous extension of the village into an open field. It would, therefore, be harmful to the views of the users of the

PROWs and views of the wider area. The location and proposed use would not blend seamlessly into its surroundings and would be harmful.

14. That the appeal site is not in a sensitive landscape or sensitive designation and can provide the required ten percent biodiversity net gain would not outweigh the harm that I have identified from the principle of developing the appeal site. The appeal before me is also materially different to The Square¹ as that development is between existing dwellings and is not incongruous with, and would not detract from, its surroundings.
15. Even as a high-quality, eco-friendly, carbon neutral dwelling, and even if the dwelling would have architectural merit, based on the evidence before me, and as design is a matter for the technical details stage, I cannot be certain that the dwelling would be of exceptional quality or innovative design. I note the eco-friendly measures proposed in the appellant's statement of case. However, there is no guarantee that all of these measures would be achievable on the site and no certainty that this would equate to exceptional quality or innovative design. I, therefore, give very limited weight to this part of the appellant's argument and find that the appeal would not comply with the relevant exception of Policy H2.
16. The appeal proposal would also result in the loss of agricultural land, and I have no compelling evidence that it is not best and most versatile agricultural land. Although the site is not currently actively in agricultural use, as it has been purchased with the intention of building a new dwelling, it could be used for agricultural purposes without any further consent. That the current owner does not intend to use it for such purposes does not mean that the land is dis-used or no longer agricultural.
17. For the above reasons, I find that the site is not suitable for residential development, having regard to its proposed location, land use and amount of development, with particular regard to the development strategy for the area and the character of the area. The proposal would, therefore, be contrary to Policies OS1, OS2, H1 and H2 of the LP. Collectively these policies seek to promote sustainable development, set the spatial strategy for the area, and limit housing in small villages, hamlets, and the open countryside.

Location of development

18. The appeal site is accessed off a narrow country lane. There are no current pavements or streetlights on the lane, and, in my judgement, it would be out of keeping with the rural nature of the edge of the village to provide such facilities along the frontage of the appeal site.
19. Nevertheless, although the appeal site is separate from the existing dwellings in the village it would be within walking distance of the village and would be near to other housing, although not next to it. The first section of this walk would be along a narrow country lane. Nevertheless, this is not dissimilar to the other property near the site. Moreover, the same section of Cling Clang Lane is already used by walkers to access the PROWs, and, due to its width and condition, the remainder of the lane is not frequently used by vehicles.

¹ APP/D3125/W/23/3331704

20. Church Enstone has limited services and facilities, as such the appeal site would not be in a location with convenient access to a good range of services and facilities. Policy T1 of the LP provides priority to such areas. It does not, however, require all development to be located with convenient access and other policies, such as OS1 and H2, allow for new housing development in the small villages and hamlets, irrespective of the level of services and facilities available. The appeal site is within walking and cycling distance of the village and is also close to the other village of Neat Enstone which has a wider range of services and facilities.
21. Policy T3 also seeks to maximise opportunities for walking, cycling and the use of public transport. Nevertheless, Policy T3 also allows for development of sites where opportunities for these alternative means of transport are limited subject to the development providing measures to reduce car use, such as promotion of home working. Such measures would need to be included in any future technical details stage application and the failure to make adequate provision would be a matter for consideration at that stage.
22. For the above reasons, although the appeal site is separate from the existing housing in Church Enstone, it is near the village and measures to promote walking, cycling and home working would be capable of being secured at the technical details stage. The appeal proposal would, therefore, be suitable for residential development, but only in regard to the access to services and facilities. It would be capable of complying with policies T1 and T3 of the LP.

Other Matters

23. Church Enstone contains a number of listed buildings including St Kenelm Church, which is Grade II* and Tulip Cottage, Manor Cottage and Higleys Cottage, which are Grade II listed as a group of three cottages. Mindful of the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had regard to the desirability of preserving the setting of the listed buildings referred to.
24. St Kenelm Church is a significant building, providing a focal point for the village and its tower is visible from wider views. Nevertheless, the setting of the church already includes residential dwellings. The appeal proposal would not affect the church or its setting, even though it would be seen in views with the church tower.
25. The three cottages occupy a prominent location on the main road through the village and near the junction with Cling Clang Lane. The significance of these buildings lies in their history, architecture, and association with the village. The appeal site would not be visible from these three cottages due to intervening developments and landscaping. Neither are the listed buildings prominent in views from the appeal site. Consequently, I find that the appeal proposal would not affect the setting of the heritage assets or the significance that the setting makes to the heritage assets or how they are appreciated.
26. The appellant's statement of case also refers to the proposal as a self-build dwelling and notes that there is a severe shortfall. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.

27. Although neither main party have provided any compelling evidence of the current supply or demand for self-build plots, the provision is not a maximum, the demand figure would likely increase, and there is little evidence that any permissions already granted would all be built out. The provision of one additional unit of this type would accord with the Framework through providing an opportunity for people wishing to commission or build their own home. Given the lack of evidence of a shortfall in supply I have given the provision of one self-build plot moderate weight.
28. Interested parties have raised other concerns not considered in the main issues above. The matters of access, ecology, flooding, landscape, the effect on the living conditions of the occupiers of neighbouring properties, and contamination, are all for the second, technical details stage of the process.
29. I have no compelling evidence that the appeal site forms part of an area that is designated as public open space or is identified in the local plan as open space, with the exception of the PROWs which run near the site. This is, therefore, not determinative in the appeal.
30. Interested parties have also made me aware that there are other parcels of the same field that have been, or are being, sold off. Although this may be the case, I have no compelling evidence that each of the new owners would seek to develop their piece of land. Moreover, each planning application would need to be determined on its own merits and against the adopted policies.

Planning Balance

31. Both main parties agree that the Council is not able to demonstrate a five year housing land supply. The Council's evidence indicates a supply of 4.3 years which is a shortfall, albeit not a substantial one. Paragraph 11d) of the Framework therefore applies.
32. Policies OS2, H1 and H2 of the LP are the most relevant in considering the principle of housing on the appeal site. As far as the policies seek to limit development in the countryside to that which protects its character, they are broadly in accordance with the Framework which seeks to ensure that development contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside. Furthermore, Policy H2 does not seek to prevent all development outside of settlements.
33. I have given the conflict with the local policies, in regard to being contrary to the development strategy and the effect on the character and appearance of the area, significant weight in this appeal. Consequently, the proposal would conflict with the development plan as a whole.
34. The proposal would accord with the Framework which seeks to boost the supply of housing, recognises the important contribution small and medium sized sites make to meeting the housing requirement of an area, and supports the rural economy. The site would also be deliverable within a short timeframe and provides self/custom build housing in accordance with the Framework. Moreover, the proposal would also provide economic benefits both during and post construction and is in a location that is accessible to services and facilities.
35. However, although I afford significant weight to the provision of new houses, as only one dwelling is proposed this benefit is limited when weighing the merits of

the scheme. I therefore afford significant weight to the limited benefit the development would make to addressing the housing shortfall and moderate weight to the provision of self/custom build housing.

36. The proposal would also provide biodiversity and ecology improvements of more than 10%, to which I give moderate weight in favour of the development. The appellant has also suggested that the proposal would contribute towards health, education, and transport needs through a legal agreement. However, I have no compelling evidence that such contributions would be required for this scale of development and, therefore, do not give any weight to this as a benefit.
37. That there is no harm to heritage or any other designation, or flood risk, are neutral matters. The benefits of the design and sustainability of the construction would be secured at the technical details stage and, therefore, do not weigh in favour of the development.
38. On the other side of the balance, the proposal would result in environmental harm from the effect of the development on the character and appearance of the area. The harm that I have found is significant and I afford it significant weight. This harm, in my judgement, would significantly and demonstrably outweigh the benefits that would arise from the development. As a result, the presumption in favour does not apply.

Conclusion

39. For the reasons given above, the appeal should be dismissed.

K Townend

INSPECTOR