



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: 02 September 2025

Appeal Ref: APP/Q3115/W/25/3360314

42 to 48 Queens Road, Thame, Oxfordshire OX9 3NQ

- 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 on behalf of W E Black Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S1651/FUL.
 - The development proposed is demolition of 44 Queens Road and the outbuildings to Nos. 42. Proposed erection of 22 dwellinghouses (including 8 affordable homes) with gardens, car parking, garages, bin stores, and new estate road access. Closure of access onto Queens Road serving 46 Queens Road and re-arranged access off new estate road. Provision of garden area to 46 Queens Road. Re-arranged access to 42 Queens Road off new estate road and erection of new garage for No. 42.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has submitted a Transport Technical Note, which includes an amended access plan showing the widening of the proposed access road, and swept path diagrams. The amended plan would not result in a fundamental change to the nature of the proposal over what was considered at the planning application stage. The Council has had an opportunity to comment on the amended plan as it was submitted with the appeal and the change would, also, not alter the effect of the proposal on the neighbouring residents. Consequently, no party would be unfairly prejudiced and, I have, therefore, considered the Transport Technical Note and the amended plan in determining this appeal.
3. I have also received a submitted signed legal agreement under Section 106 (S106) which seeks to secure public open space and financial contributions towards street naming, waste, recycling, and public transport. The appellant has also submitted a signed Unilateral Undertaking (UU) which seeks to secure the affordable housing on the site and a financial contribution towards the provision of affordable housing off-site. I have addressed these in my reasoning below.
4. The Thame Neighbourhood Plan (TNP2) 2020-2041 has been made since the decision on the planning application. Both parties have had an opportunity to comment on the relevant policies within TNP2. Therefore, in accordance with the National Planning Policy Framework (the Framework) I have given full weight to TNP2 in my decision.
5. Both main parties have also referred to the Joint Local Plan which has been submitted to the Secretary of State for examination. However, both have also advised of outstanding objections to a number of the policies within the emerging

plan. Given this, I cannot be certain if any policies are to be modified or when they are likely to be adopted. I have therefore given limited weight to the Joint Local Plan and have determined the appeal in accordance with the current development plan.

Main Issues

6. The main issues are whether the proposed development:
- would affect the character and appearance of the area with regard to the mix and density of housing, including affordable housing, and the appearance of the affordable housing;
 - would provide sufficient and appropriately sited open space;
 - would secure appropriate levels of affordable housing and contributions towards infrastructure;
 - would affect highway safety, with particular regard to the provision of car parking and pedestrian safety, and would promote alternative means of travel; and
 - would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Character and appearance

7. The appeal site comprises four existing dwellings and associated garden land. The proposal includes the demolition of No. 44 Queens Road and the outbuildings of No. 42 and the erection of 22 new dwellings, including 8 affordable dwellings.
8. Even if I were to accept that some of the three-bedroom and four-bedroom units have a study that would be capable of being used as a bedroom, I have no compelling evidence that the studies would be used as bedrooms and consider that it would be inappropriate of me to conclude that they would. Moreover, as noted by the Long Marston appeal¹, a study is now more necessary for family living, especially in larger homes, for studying and home working. I have, therefore, considered the housing mix as submitted by the appellant.
9. The Thame Housing Needs Assessment (the Thame assessment), which forms part of Policy GDH2 of TNP2, suggests a different mix and housing need for Thame, which is more locally specific than the Oxfordshire SHMA 2014². The Thame assessment is the latest evidence for the relevant area, and I have assessed the appeal against the Thame assessment, as required by Policy H11 of the South Oxfordshire Local Plan 2011-2035 (the LP).
10. The Thame assessment was a local housing assessment for the area, carried out for TNP2, which indicates that the size of housing in Thame is already well-balanced with three-bedroom properties dominating the mix. The report also advises that new homes should focus on the middle part of the size range, with a slight increase in the proportion of flats. I have taken this need for increases in flats

¹ APP/J3720/W/24/3340417

² Strategic Housing Market Assessment

to justify the requirement in Policy GDH2 for 65% of new homes to be one to three-bedroom properties.

11. The appeal proposal, as submitted, would comply with the mix identified in the Thame assessment and, therefore, comply with both Policy H11 of the LP and GDH2 of TNP2. It would also provide sufficient homes at one to three bedroom.
12. The proposed affordable housing would fall slightly short of the 40% affordable rented and 35% social rented requirements of Policy H9 of the LP and slightly short of the 65% rented requirement in TNP2. However, the provision of eight affordable units on a development of 22 houses would also need a legal agreement to secure a financial contribution to off-set the shortfall. I will return to this matter later. Nevertheless, the mix of affordable housing tenure is close to the requirements of both policies, and I consider that the shortfall is not substantial.
13. The proposal would not fully deliver the housing recommended by the Council Housing Needs Register and the lack of any three-bedroom affordable housing is unfortunate. Nevertheless, I find that this would not result in sufficient harm as the proposal would contribute towards the affordable housing needs identified by the Council.
14. Policy H9 of the LP requires the affordable housing to be mixed with the market housing, indistinguishable in appearance, and distributed evenly across the site. The appeal before me clusters all eight affordable dwellings at the end of a short cul-de-sac. Although I acknowledge that the South Oxfordshire Developer Contributions Supplementary Planning Document (the Developer Contributions SPD), January 2023, advises that affordable housing should be clustered in groups of no more than four units, the Developer Contributions SPD is not adopted policy and has not been through the examination process. The proposal would comply with the grouping requirement of Policy H9 of the LP which seeks to ensure that there are no more than 15 affordable homes in one group.
15. I am aware that affordable housing providers prefer to have units close together for ease of management. Nevertheless, even though there are no more than 15 in one group, the grouping of the affordable housing as proposed clearly sets these eight properties apart from the detached and semi-detached, open market, houses which are proposed on the rest of the estate. I have no compelling evidence that the affordable housing needs to be all together, rather than close together, no compelling evidence that the housing could not be split into smaller groups, located near to each other, so as to comply with the Developer Contributions SPD. Moreover, I have no evidence that this cul-de-sac location is the most appropriate location, and it makes the affordable housing appear to be tucked away, behind the open market housing.
16. Moreover, there are no other flats or terrace housing proposed, other than the affordable dwellings. Both the flats and the terrace building would have a greater width than any of the detached houses, which results in a different form and mass, even if the material finish is the same. The affordable dwellings also rely on car parking to the front of the properties which, although efficient and practical, would dominate the end of cul-de-sac location and would stand out from the parking provision for the rest of the estate. Overall, I find that the affordable housing would be distinguishable from open market housing and would not be appropriately located on the appeal site. It would, therefore, not have the same appearance as

the detached houses in terms of the design, density and layout and would fail to comply with design requirements of Policy H9 of the LP.

17. The density of the proposed development is substantially below the Council's target of 45 dwellings per hectare. The appellant has provided me with a useful map of the surrounding housing indicating the densities of different areas around the appeal site. Although the appeal proposal, at around 27 dwellings per hectare, would be higher density than the housing immediately to the side of the site and the housing on the opposite side of the bowling green and tennis courts, it would also be lower density than other housing areas identified.
18. Moreover, although there are lower density areas, and an area of similar density, I saw at my visit that the houses on the opposite side of the bowling green are tighter knit but with long gardens, which limits the density per hectare whilst appearing from the street to be a higher density. Most of the houses near to the appeal site, which are a lower density than the proposal, are large detached, dwellings with large gardens but are set closer together than the layout proposed in the appeal scheme, thereby also appearing higher density. The TNP2 character assessment for the area notes that plots are larger than most in Thame and that several properties have extensive back gardens. This can be seen in the plan provided by the appellant.
19. The appeal proposal may be in the region of 27 dwellings per hectare as an average, but the open market housing is a lower density, and the average is skewed by the higher density of the area of affordable housing. Furthermore, the open market housing, due to the more open character of the development, which is a result of the spaces between the dwellings and the short garden depths, would appear to be lower density than the housing in the area.
20. The layout proposes a curved estate road which, although creating a more organic and visually appealing layout and curving around No. 42, is not reflective of the surrounding developments and would not provide the most efficient use of the site. Although the proposal would retain a number of trees the group of four Norway Maple, near to the proposed location for plots 7 to 10, are of interest as a whole group and I have no evidence that all four could not be retained with an alternative layout. Moreover, the proposed surface water drainage layout and soakaways would conflict with a number of the retained and proposed trees. I cannot be certain that the green infrastructure proposed and to be retained would be achievable with the proposed drainage layout.
21. Overall, the layout of the appeal proposal, albeit providing a site wide density that is similar to the densities in the area, would not respond to the character and qualities of the built landscape in which the appeal site lies. It would, therefore, be harmful to the character and appearance of the area.
22. Although the appellant has referred to a site which was previously proposed to be allocated in the draft neighbourhood plan, for housing at a density of 25 dwellings per hectare, this site has not been carried forward into TNP2 and is, therefore, not a material consideration. Furthermore, I have no compelling evidence that the density of that site would have remained at 25 dwellings per hectare should it have been carried forward into TNP2. Even if I were to accept that a density in the region of 27 dwellings per hectare would be appropriate in this area, the appeal

proposal would not reflect the context and grain of the area, as required by Policy DES1 of the LP.

23. For the above reasons, I find that the appeal proposal would adversely affect the character and appearance of the area with regard to the density of housing, including affordable housing, and the appearance of the affordable housing. It would, therefore, be contrary to the requirements of Policies H9, DES1, DES2, DES3, DES4, ENV1 and ENV5 of the LP. Collectively these policies seek to ensure that affordable housing is mixed with the market housing, is indistinguishable in appearance and distributed across the site, ensure that development is high quality, uses land efficiently, respects local context, reflects the character of the local area, meets the local design objectives, integrates with the surrounding built environment, protects and, where possible, enhances the features that contribute to the landscape of the area, and protects existing Green Infrastructure.

Open space

24. The proposal would include two areas of open space, one to the side of the existing property, No. 42, and one to the front of Plot 16. Policy CF5 of the LP requires the provision of inclusive and accessible open space and play facilities and seeks to ensure that development has regard to the standards set out in the Open Spaces Study. DEV5 of the Developer Contributions SPD advises on how much open space is required for each development. Although, as already noted, the Developer Contributions SPD is guidance only, the areas of open space proposed would fall substantially short of the 800sqm calculated using the Developer Contributions SPD. This shortfall, although considered against guidance rather than policy, would be substantial and would be harmful in not providing appropriate levels of open space for the size of the development.
25. The site is next to a bowling green, tennis club and school playing fields and near to land at Severn Acres. However, although providing areas for recreation none of these existing facilities provide areas for children's play equipment and only Severn Acres would provide an area for informal recreation. The provision of gardens for each of the dwellings, and a communal garden for the flats, would not off-set the need for public open space.
26. Furthermore, the open space is indicated in two sections, either side of the estate road. Although it would be centrally located and the estate road and plot 16 would provide natural surveillance, it would result in two small areas separated by a road. The area to the side of No. 42 includes a large tree and a bin collection and the plan also indicates this area as wildflower turf. This would be visually pleasing, along with the retention of the tree in a public area, but would reduce its usability, contrary to the advice in the South & Vale Joint Design Guide (June 2022).
27. The area to the front of plot 16 would wrap around the front of the proposed semi-detached property and, from the plans before me, would not provide plot 16 with any defensible front garden area other than a narrow strip of grass and path. This would result in potential conflict between the occupiers of this proposed unit and the users of the open space, which is indicated as including a local area of play (LAP). It would also fail to comply with the Developer Contributions SPD requirement for an offset between the LAP and the proposed dwelling.

28. Although a condition could be used to require the gap to be provided to plot 16 this would reduce the amount of open space further and would not resolve the potential for conflict between users of the LAP and the occupants of plot 16.
29. For the above reasons, I find that the proposal would not provide sufficient and appropriately sited open space and would, therefore, conflict with the requirements of Policy CF5 of the LP which requires the provision of inclusive and accessible open space and play facilities, having regard to the most up to date standards.

Provision of affordable housing and infrastructure

30. The appellant has submitted a signed and completed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended). The UU aims to secure the provision of the affordable housing on the site.
31. The principle of providing affordable housing is in accordance with Policies H9 and H11 of the LP. As such, in respect to these matters, the UU would accord with the provisions of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and the tests for planning obligations set out in the Framework. However, I have some concerns about the document itself, its execution and thus whether the Council could rely on it to secure the contributions.
32. There is some confusion within the UU as to which plots are to be provided as affordable rented and social rented, with plot 9 identified in the schedule under both definitions. There is also no certainty within the UU over which plots are proposed as First Homes. I accept that the appellant's evidence clarifies these matters. However, without the correct plots being identified in the UU I find that it is not legally binding in relation to the requirements of Section 106 of the Town and Country Planning Act (1990), and I am not satisfied that the submitted UU would make adequate provision for affordable housing to comply with Policies H9 and H11 of the LP.
33. The completed Section 106 agreement (S106) aims to secure the provision of financial contributions towards street naming, waste and recycling, and public transport. It also seeks to secure the provision and maintenance of the areas of public open space, including a LAP. Policy CF5 requires the provision of open space and play facilities. Policy INF1 of the LP seeks to ensure that development is served and supported by appropriate infrastructure and that such infrastructure mitigates the effect of the development, and Policy EP3 seeks to ensure that all developments have adequate facilities for waste and recycling.
34. DEV14 of the Developer Contributions SPD requires developments of new houses to contribute towards improvements to Household Waste and Recycling Centres (HWRCs), to be provided through S106 agreement. The provision of new housing would increase the demand on the HWRCs for the disposal of items that are not included in the regular waste and recycling collections and the evidence before me is that the HWRCs are operating above capacity.
35. However, although the Council suggest that CIL receipts are not sufficient to enable this, as they are required for other uses, the appellant's evidence shows that there are CIL funds available for HWRCs. A financial contribution for this is, therefore, not justified and not necessary to make the development acceptable.

36. As such, if I had been minded to allow the proposal I would have removed the requirement for the financial contribution towards HWRCs. However, for the above reasons I find that the open space provision, as indicated on the submitted plan, is not sufficient or appropriate. Although the S106 suggests that 800sqm open space could be secured this would require a redesign of the layout of the scheme, potentially reducing the number of units, which would then conflict with the submitted plans and other parts of the S106. Although the S106 is CIL compliant, it would not secure sufficient and appropriate open space.
37. For the above reasons, the proposal, even with the submitted UU and S106, would not secure appropriate levels of affordable housing and contributions towards infrastructure. It would, therefore, fail to comply with Policies H9, H11, INF1 and CF5 of the LP which, taken together, require affordable housing, public open space, and infrastructure to be provided.

Access and parking

38. The amended access details and the Transport Technical Note indicate that the proposed access would be widened to a minimum of 4.8m with the first 15m being 5.5m wide. Swept path drawings have also been provided indicating the vehicle track of a refuse vehicle to ensure that it would not overhang the pavements. Furthermore, I saw at my visit that Queens Road is, and quite a few of the surrounding roads are, now subject to 20mph speed limits.
39. The amended plan would provide a safe vehicular access to the site, subject to formal approval through the appropriate highway process, and would ensure that pedestrians using the pavements are safe.
40. The level of car parking proposed would continue to exceed the requirements of the Council's parking standards. However, this is limited and would, therefore, not result in significant harm and would not be likely to substantially effect whether the future occupiers of the site would be likely to use a car or alternative modes of travel. Moreover, charging points for electric vehicles and cycle parking is indicated on the plans to encourage the use of alternative means of transport. The visitor parking spaces are to be signposted as such, so as to discourage residents from using these spaces and ensure that they remain available for visitors.
41. For the above reasons, I find that the proposal would not adversely affect highway safety, with particular regard to the provision of car parking and pedestrian safety and would promote alternative means of travel. It would, therefore, comply with the requirements of Policies TRANS2 and TRANS5 of the LP which, taken together, seek to ensure that new development is designed to encourage walking and cycling, provide safe and convenient access for all users, secure and safe cycle parking, enable charging of plug-in and other low-emission vehicles, be designed to enable the servicing by refuse collection vehicles, and provide for the parking of vehicles in accordance with Oxfordshire County Council parking standards.

Flood risk

42. The appeal site lies within Flood Zone 1 but within an area identified as at high risk of surface water flooding. The Framework advises that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now, or in future, from any form of flooding.

43. However, from the evidence before me the areas of risk of surface water flooding are along the curved line where the former model railway was previously cut into the site and an area of hard surfaced infrastructure associated with the railway. Even if the model railway line is still on site the appeal proposal would remove any remaining structures and reinstate the areas of lowered ground.
44. I acknowledge that a sequential test should have been provided with the application to identify whether there are any other sites that are at lower risk of flooding. Nevertheless, taking a pragmatic approach, I have no compelling evidence that, once the railway structures are removed and the ground level reinstated, the site would still be at risk of flooding.
45. Furthermore, the surface water created by the development would need to be managed within the appeal site to ensure that there is no increase to flood risk outside of the site. This can be dealt with through an appropriate condition.
46. Given the evidence before me regarding the reason for the surface water flood risk and that the proposal would remove this risk, I find that requiring a sequential test for the appeal site would be disproportionate. For the above reasons, even without a sequential test, the development would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding. It would, therefore, not be contrary to Policy EP4 of the LP which also seeks to direct new development to areas with the lowest probability of flooding, requires development to manage flood risk, and ensure that it does not increase flood risk elsewhere.

Other Matters

47. The latest evidence from the Council, the updated Housing Land Supply Statement, January 2025, details a supply of 4.5 years. Even though the appellant suggests lower figures of 4.2 years and 3.49 years the latest published figure remains below 5 years. Either way paragraph 11d) of the Framework applies.
48. Policies H9, H11, DES1, DES2, DES3, DES4 and CEF5 of the LP are the most relevant in considering the proposal. None of the policies seek to prevent new housing in the settlement of Thame. As far as the policies seek to ensure that development respects the character and appearance of the area and provide open space they are broadly in accordance with the Framework which seeks to ensure that development is high quality, beautiful and sustainable, advises that good design is a key aspect of sustainable development which creates better places and helps make development acceptable to communities, requires development to be visually attractive as a result of layout, and be sympathetic to local character.
49. The proposal would accord with the Framework in seeking to boost the supply of housing. 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. I afford significant weight to the provision of new houses, including affordable housing.
50. 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. It would not protect and enhance the surrounding built environment, contrary to the Framework. The harm that I have found to the character and appearance of the area is substantial and I afford it significant weight.

51. The development would also result in environmental and social harm from the shortfall in the provision of open space which would be harmful to the future occupants of the development. This harm would be substantial and is not offset by the availability of other open space and recreation facilities in the area, or the provision of private and shared gardens.
52. Taken together the harm that would result from the development, in my judgement, would significantly and demonstrably outweigh the benefits that would arise. As a result, the presumption in favour does not apply.

Conclusion

53. For the reasons set out above, I conclude the appeal should be dismissed.

K Townsend

INSPECTOR