



Appeal Decision

Site visit made on 27 August 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/V3120/W/25/3365724

Broom Close, Old Boars Hill, Oxford, OX1 5JQ

- 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 Dr Bob Hennessy against the decision of the Vale of White Horse District Council.
 - The application Ref is P24/V1310/FUL.
 - The development proposed is a 2 bedroom dwelling for guest accommodation for Broom Close.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The red line drawn on a location plan accompanying an application or appeal normally identifies the application site. In this case, however, the red line is drawn around two separate areas of land. One area includes Broom Close, a detached dwelling, together with a substantial tract to its south-west. The other land outlined in red is triangular, being situated on the opposite side of an unmade road from Broome Close to the north-east of the dwelling. All the land outlined in red is certified as being in the appellant's ownership.
3. The proposal subject of the appeal however relates to the triangle. The appellant has previously satisfied the Council that the triangle forms part of Broome Close's residential curtilage¹. In the interests of clarity and convenience, I shall refer to the triangle as the appeal site.
4. The site lies within the Green Belt (GB). For the reasons explained in its submissions, the Council no longer regards the proposal as inappropriate development in the GB². It has therefore effectively withdrawn one of its reasons for refusal because it acknowledges that the development is not inappropriate development in the GB. Since the Council's original objection for this reason is no longer pursued, I shall not comment on it further.

Main Issue

5. This is whether this is an appropriate site for the proposal having regard to development plan policy.

¹ A Certificate of Lawfulness to this effect has been granted.

² Having regard to the December 2024 amendments to the *National Planning Policy Framework*.

Reasons

6. The original application was promoted on the basis that the accommodation was intended for guests in association with the use of Broom Close, although little detail or explanation was provided. For the appeal the appellant says, on the one hand, that the accommodation is intended for his wheelchair bound parents, who he cares for, and their wheelchair bound niece, for whom they provide respite care provision. Broome Close is said not to be wheelchair friendly because of steps front and back. However, the appellant also says that the accommodation would be built to *'provide overnight accommodation for visiting family members and friends only'*.
7. Be that as it may, the appellant promotes the development as ancillary accommodation to Broome Close, or as a residential annexe. The Council acknowledges that residential annexes within the curtilage of existing dwellings can help to meet the accommodation needs of growing families, such as for families to support older or disabled relatives.
8. In this respect policy DP4³ deals specifically with residential annexes. It is a permissive policy, subject to compliance with the specified qualifying criteria. It is common ground that the requirements of some criteria are met, notably that the site, although physically separated from the host property, is within Broome Close's curtilage; the annexe's design is acceptable, and it poses no harm to neighbours' amenity. All other criteria are subject of dispute.
9. In my view, in respect of the first criterion, the appellant has failed to demonstrate a strong functional relationship between the existing dwelling and the proposed annexe. In this regard, the evidence presented as to who would use the annexe, and the links between the annexe and host property is sketchy, limited and confused. There is no clear evidence on the submitted drawings that the annexe has been designed with the needs of the disabled in mind, and no evidence from an independent source has been presented as to medical or social need, or the nature of the care called for. There is a pedestrian link from the site towards the main house, but this has steps and involves crossing an unmade, uneven road, which would appear to severely constrict the use of this route by the disabled.
10. The building proposed would have two bedrooms, a bathroom and an open plan lounge/kitchen/dining area, with its floorspace in excess of 100m². The design clearly depicts a detached bungalow, and I do not regard its size as appropriate to meet its stated purpose, particularly in the absence of convincing evidence as to use and need. The appellant draws on the judgement in *Uttlesford*⁴, but the case was concerned with what is described in the law report as a domestic garage, part of which had been adapted by the appellant *'to provide some very small separate living accommodation for his mother'*. The circumstances are substantially different here.
11. An existing access point to the site would be utilised. Although Old Boars Hill near the site is narrow and tortuous, another access point along Jam Way is adequate and safe, so satisfying the criterion on access.

³ Of the Council's Local Plan 2031: Part Two – Detailed Policies and Additional Sites (LP part 2)

⁴ *Uttlesford District Council v Secretary of State for the Environment and another* [1991] 2 PLR 76

12. The last criterion of the policy requires the design and siting of the annex to be capable of being reasonably integrated with the function of the original dwelling once the need for it has ceased, without creating an independent dwelling unit in the future. The scale and size of the building has already been described as has the nature of the accommodation within it. The dwelling would have an independent vehicular access and parking area, its own private garden and a separate bin store. It is clearly set apart from the host property on land that could readily become identified or perceived as a separate planning unit. There is no clear explanation as to how the annexe could be reasonably integrated with the function of the original dwelling once the need for the annexe has ceased. This criterion accordingly is not met.
13. In my view the type of condition suggested by the appellant would not effectively regulate the use since it could be challenged in which case, based on the facts and circumstances described above, the Council would find difficulty in resisting.
14. The Council found that the proposal was tantamount to the erection of a new dwelling, and based on the facts and submissions, I am tended to agree. The Council therefore set about determining the application, in part, as being one for the erection of a new dwelling in the countryside. I do not intend to follow their example, since it is clear from the representations that the application was directed to the creation of ancillary accommodation, and I have therefore determined the appeal on that basis. Should the appellant wish to create a new dwelling he is entitled to pursue an application, which would be determined in accordance with the policies relevant to that type of development.
15. I therefore conclude that the proposed development does not meet or conform with several of the criteria of LP part 2 policy DP4 applying to residential annexes. Accordingly, as no material consideration indicates that the decision should not follow the provisions of the development plan, and since I find a clear conflict with significant criteria of the most relevant policy, I do not consider this to be an appropriate site for the proposed development.

Other matters

16. A Preliminary Ecological Appraisal (PEA) was submitted with the original application. This confirmed, rightly as a matter of law and policy, that development proposals must have regard to protected species occurring on or near to the site. The ecologists conducting the PEA found several potential roosting features (PRFs) for bats, a protected species. Since the proposed works would result in the loss of some PRFs it was recommended that further bat surveys would be required to determine bat presence/absence and inform on suitable mitigation measures.
17. No such surveys were undertaken, and the appellant says that it was not practical to do so having regard to the respective dates of the Council's decision and the closing date for an appeal. However, the PEA was dated April 2024, and there appeared to be ample time to undertake the required surveys prior to the submission of the application. Thus, the recommendation made by the appellant's consultant ecologists was simply not followed.
18. For the reasons set out in the PEA it was not considered that further survey work was required for Greater Crested Newts (GCN), another protected species. This was and is disputed by the Council. It appears to me that the Council's stance is

reasonable having regard to the evidence it presented on the local recorded presence of GCN, which doesn't appear to be disputed, and in the absence of confirmation that the appellant has entered a District Level Licencing (DLL) scheme.

19. As a matter of law and policy in relation to protected species, even if the appeal were allowed, I would be unable to accede to the appellant's suggestion that these matters relating to protected species are capable of being dealt with by condition. The remedy lies in the appellant's hands in the event of any future submission. Similar, albeit not identical considerations apply to the requirement in respect of Biodiversity Net Gain (BNG), particularly having regard to the unanswered queries on certain aspects of the appellant's original submission raised by the Council.
20. I note the representations made by local residents, by the Parish Council and those of the Oxford Preservation Trust. I have taken them into account and have dealt with the main planning-related points raised. In respect of the Trust's objection, having regard to that seen at my visit, I do not consider that the development would materially affect the setting of the sites in its care and custody.
21. I have considered the references to the *National Planning Policy Framework*. Reference has been made to other development plan policies, but that to which I have referred is the most relevant having regard to the facts of the case. No other matter raised is of such strength or significance as to outweigh those considerations that led to my conclusions on the main issue.
22. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR