



Appeal Decision

Site visit made on 23 July 2025

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 October 2025

Appeal Ref: APP/Q3115/W/25/3363591

Binfield Heath Stores, Arch Hill, Binfield Heath, Oxon RG9 4DU

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under Section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr J Smith against the decision of South Oxfordshire District Council.
- The application Ref is P24/S3913/S73.
- The application sought planning permission for erection of two semi-detached dwellings in the rear garden of Binfield Heath Stores including new shared driveway and entrance gates, accessed via Arch Hill (dwellings repositioned, roof lowered, external materials changed and supplementary statement regarding impact on village shop received 19th December 2023) without complying with conditions attached to planning permission Ref P23/S2237/FUL, dated 28 February 2024.
- The conditions in dispute are Nos 2, 5, 6, 10, 11, 14 and 16 which state that:
 2. *That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, PL.1510, PL.1511, HTSTCP-02E, HTS-TCP-01C, PL.1221B, PL.1220B, PL.1201B, PL.1500B, PL.1501C, PL.1301B, PL.1300B, PL.1222A, PL.1200A, PL.1302B, PL.1210A and SK.4100A, except as controlled or modified by conditions of this permission.*
 5. *The flintwork on the exterior of the development hereby permitted shall be constructed using traditional knapped flint, individually laid as part of the construction and lime mortar.*
 6. *The en-suite window in the first floor south-east facing elevation of Unit 1 and in the first floor north-west facing elevation of Unit 2 hereby permitted shall be glazed in obscure glass with a minimum of level 3 obscurity, and shall be fixed shut with the exception of a top hung openable fanlight (or other means of opening to be first agreed in writing by the Local Planning Authority) prior to the first occupation of the accommodation and it shall be retained as such thereafter.*
 10. *The vision splays shown on the approved plan 1221B shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.*
 11. *Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan 1221B and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.*
 14. *The tree protection details as shown on the approved Arboricultural Method Statement and associated tree protection plan produced by Heritage Tree Services dated October 2023 shall be put in place prior to any on site works including demolition and thereafter retained in situ for the duration of development.*
 16. *A Landscape Ecological Management Plan (LEMP), as informed by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall detail enhancements identified within Section 5.6 of the Preliminary Ecological Assessment (Davidson-Watts Ecology, September 2023), the specification and location of integrated bat boxes and integrated bird boxes and a scheme of new and retained soft landscaping and all habitat creation (including native hedgerow planting) and retained habitats as per the Biodiversity Net Gain Assessment report (DeltaSimons, October 2023) and Landscaping Strategy (PL.1222). Thereafter, the development shall be implemented in accordance with the approved LEMP and all ecological mitigation and enhancement features shall be delivered on site prior to first use and retained as such thereafter.*

- The reasons given for the conditions are:
 2. *To secure the proper planning of the area in accordance with Development Plan policies.*
 5. *In the interests of the visual appearance of the development in accordance with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2035.*
 6. *To ensure that the development is not unneighbourly in accordance with Policy DES6 of the South Oxfordshire Local Plan 2035.*
 10. *In the interest of highway safety in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.*
 11. *In the interests of highway safety and in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.*
 14. *To safeguard trees which are visually important in accordance with Policies ENV1, DES1, and DES2 of the South Oxfordshire Local Plan 2035.*
 16. *To ensure that there is no net loss of biodiversity, in accordance with Policies ENV2 and ENV3 of the South Oxfordshire Local Plan 2035.*
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Decision

1. The appeal is allowed and planning permission is granted for erection of two semi-detached dwellings in the rear garden of Binfield Heath Stores including new shared driveway and entrance gates, accessed via Arch Hill (dwellings repositioned, roof lowered, external materials changed and supplementary statement regarding impact on village shop received 19th December 2023) at Binfield Heath Stores, Arch Hill, Binfield Heath, Oxon, RG9 4DU in accordance with the application Ref P24/S3913/S73, without compliance with condition numbers 2, 5, 6, 10, 11, 14 and 16 previously imposed on planning permission Ref P23/S2237/FUL, dated 28 February 2024, and subject to the conditions in the attached schedule.

Background and Main Issues

2. Planning permission was granted on 28 February 2024 for the erection of two semi-detached dwellings on the appeal site¹. The appellant submitted a planning application² to vary conditions 2, 6, 10, 11, 14 and 16, and to remove condition 5, that were attached to the planning permission. The application was refused by the Council on 28 February 2025.
3. The proposal is for a revised scheme which would be achieved by varying or removing conditions attached to the original planning permission. The overall design and form of the proposed dwellings would be altered. An additional floor would be provided in the loft space of both dwellings, resulting in them being two and a half storeys. The alteration to the design scheme would see the shape of the surrounding curtilage changed as well. Further, the flintwork finish on the originally approved dwellings would be omitted from the revised scheme, with the external walls of the dwellings being only clad in brick.
4. Conditions 2, 10 and 11 attached to the original permission would be varied to reflect the alterations to the drawing numbers in light of the revised scheme. Condition 5 would be removed as there would no longer be any flintwork on the exterior of the dwellings. Condition 6 would be varied to reflect the change in the internal layout of the proposed dwellings. Condition 14 references an Arboricultural Method Statement and accompanying Tree Protection Plan. That condition would be varied to reflect the revised documents that have been submitted. Condition 16 would also be varied as a revised Landscape Strategy has been submitted.

¹ Planning application reference P23/S2237/FUL

² Planning application reference P24/S3913/S73

5. The main issues are:

- the effect of the revised scheme on the character and appearance of the area; and
- whether satisfactory living conditions would be provided for future occupiers of the revised scheme, having regard to outdoor space.

Reasons

Character and appearance

6. The appeal site is situated in Binfield Heath, positioned to the rear of the village shop. This shop holds a prominent place within the street scene due to its central location in the village and its distinctive flintwork exterior. The surrounding context predominantly comprises residential properties, most of which feature brick facades. Roof materials commonly include clay tiles, concrete tiles, and slate, with pitched roofs being the prevailing form. Nonetheless, the area exhibits a variety of rooflines that contribute to the rural character of the settlement.
7. The original planning permission granted approval for the construction of two semi-detached dwellings with pitched roofs and gable ends. The rear two storey projections were designed to be set down from the main body of the dwellings. Under the revised scheme, however, the roof form would be altered to a flat-topped hipped design.
8. The increase in height resulting from the revised scheme is not insignificant. However, the introduction of a hipped roof would help to moderate the overall massing of the roof structure. While the proposed dwellings would be noticeably taller than the adjacent village shop, they would not appear disproportionately higher than other residential properties in the wider area, many of which have comparable ridge heights. Although the revisions would result in a greater massing of built form, the prevailing residential context of the site is capable of accommodating this increase without detriment to the character or appearance of the area.
9. I acknowledge that Appendix A of the Binfield Heath Neighbourhood Plan 2011 – 2035 (NP) advises that development at the edge of the settlement should transition gradually into the surrounding landscape, favouring a soft, low-density edge. However, this guidance appears to relate primarily to building density rather than building height. The proposed density of the appeal scheme aligns with other residential developments situated on the settlement's periphery and therefore accords with the NP's objectives in this respect.
10. Appendix A further recommends that properties should ideally not exceed two storeys to remain sympathetic to the surrounding built form. However, this guidance is advisory in nature and not prescriptive. It also notes that accommodation within loft space is acceptable, provided it does not result in roof shapes or dimensions that are disproportionate to neighbouring buildings. The proposed dwellings would retain the appearance of two storey homes when viewed from the public realm, and in light of my earlier findings regarding their height and massing, the inclusion of loft accommodation is consistent with the NP's design principles.

11. The revised scheme proposes a fully brick exterior, which reflects the predominant palette of building materials within the settlement and ensures visual continuity with the surrounding village character. In addition, the design responds sensitively to the local and historic vernacular, drawing inspiration from nearby properties such as Claremont Villas and those along Dunsden Way. By incorporating elements of the existing built form, the proposal would assimilate effectively into its context, providing a coherent connection to the wider settlement and contributing a visually appealing and positive frontage along the edge of the adjacent recreational area.
12. For these reasons, the revised scheme would not cause material harm to the character and appearance of the area. Consequently, the proposal would not conflict with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2011 – 2035 (LP), which collectively seek, in part, for development to be of a high quality design, respect the local context by working with and complementing scale, height, density, grain, massing, type and details of the surrounding area, and physically and visually enhance and complement the surroundings by reflecting the positive features that make up the character of the local area.
13. The proposal would also comply with Policies BH6 and BH8, and Appendix A, of the NP, insofar they seek for development to accord with the Design Code in respect of their scale, nature and location, be in keeping with the immediate locality and reflect the characteristics highlighted in the Design Code. The Council's Joint Design Guide 2022 (the Design Guide) would also be complied with, which provides guidance on the application of the above-mentioned development plan policies.

Living conditions

14. Policy DES5 of the LP sets out that the size, location and character of gardens and outdoor amenity spaces included with new residential development should be integral to the design of the scheme and not an afterthought. It further states that the amount of land that should be provided for the garden or amenity space will be determined by the size of the dwelling proposed and by the character of the surrounding area.
15. The accompanying text to Policy DES5 refers to the Design Guide guidelines in respect of the recommended minimum size of private amenity space that should be provided. The Design Guide advises that semi-detached dwellings with three bedrooms or more should have private amenity space of more than 100 square metres. It further advises that awkwardly shaped, or impractical, garden areas should be avoided.
16. The Council has indicated that the usable area of the rear garden at Unit 1 measures approximately 82 square metres. However, the appellant contends that when including the area to the side of the dwelling, the total private amenity space amounts to approximately 120 square metres. The appellant further notes that the width between the side elevation of the dwelling and the boundary hedge is 2.7 metres.
17. While the side area may not be ideally suited for typical garden activities such as outdoor seating or children's play, its width is sufficient to accommodate practical uses including bin and bicycle storage or the installation of a garden shed.

Therefore, I am not persuaded that this side area should be excluded from the calculation of the overall garden size.

18. I recognise that the garden does not follow a conventional layout, featuring a stepped configuration that narrows progressively from the rear boundary toward the side of the dwelling. Nonetheless, the garden includes a good-sized usable area, and when the narrower side section is taken into account, the total outdoor amenity space is adequate for a property of this size.
19. For these reasons, the revised scheme would provide satisfactory living conditions for future occupiers of the dwellings, having regard to outdoor space. Consequently, the proposal would not conflict with Policy DES5 of the LP. Furthermore, the proposal would comply with the aforementioned guidance contained within the Design Guide.

Other Matters

20. Highway safety was not raised in the Council's officer report or its decision notice as an area of concern. Conditions 10 and 11 relate to highway safety considerations. The revised plans indicate that there would still be a sufficient area for parking and turning vehicles at the front of the site and adequate visibility splays would be retained as part of the revised scheme. As such, highway safety would not be compromised as a result of varying conditions 10 and 11.
21. Matters relating to biodiversity and trees were also not mentioned in the officer report or the decision notice as being issues for the Council. The revised Arboricultural Method Statement and accompanying Tree Protection Plan and the revised Landscape Strategy would still retain the appropriate measures for protecting biodiversity and trees secured as part of the original planning permission. Varying conditions 14 and 16 would therefore not result in harm to biodiversity or trees.
22. Concerns have been raised by interested parties regarding a potential increase in the future sale prices of the individual residential units, stemming from the revised dwellings being larger than those approved in the original scheme. While I acknowledge that the revised proposal may introduce higher-priced homes to the market, I have not been presented with substantive evidence to suggest that these units would be excessively large or unaffordable for single-family occupancy, nor that there is a lack of demand for larger family accommodation within the district.
23. Interested parties have also expressed concerns that the proposed rooflights could contribute to light pollution and compromise the area's dark skies. However, the skylight light-spill study and design calculation report prepared by SKR Lighting Design, dated 2 December 2024, indicates that the anticipated light spill would be minimal. In the absence of compelling evidence to the contrary, I am not persuaded that the rooflights would generate a level of illumination likely to threaten the preservation of dark skies.

Conditions

24. In light of my findings on the appeal, condition 2 shall be amended to reflect the updated suite of approved plans associated with the revised scheme. Conditions 10 and 11 will also be varied to reference the new drawing numbers, while

condition 6 shall be revised to account for the changes in the rooms served by the obscure glazed windows.

25. As part of the revised scheme, an updated Arboricultural Method Statement, a corresponding Tree Protection Plan, and a revised Landscape Strategy have been submitted. Accordingly, conditions 14 and 16 shall be varied to incorporate references to these updated documents.
26. Given that the revised scheme no longer includes flintwork as an external finish to the dwellings, and I have deemed this change acceptable, condition 5 is no longer required and shall therefore be removed.
27. Furthermore, it is necessary to restate in full all conditions from the original planning permission that remain applicable, as the effect of allowing the appeal is to grant a new and separate planning permission. I shall proceed accordingly.

Conclusion

28. For the reasons given above, the appeal should be allowed.

K Reeves

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 2414/P/L01, 2414/P/050, 2414/P/051/A, 2414/P/101, 2414/P/102, 2414/P/201, 2414/P/303 and HTS-TPP-01A.
- 3) Except in the case of any building work hereby permitted, no change in the levels of the land shall take place unless in accordance with a detailed scheme which shall have been submitted to, and approved in writing by, the Local Planning Authority before any development commences on site. The scheme shall include details of existing and proposed ground levels.
- 4) No development above slab level shall take place until a photographic schedule of all materials to be used in the external construction and finishes of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved schedule.
- 5) The bathroom and dressing room windows in the first floor southeast facing elevation of Unit 1 hereby permitted and in the first floor north-west facing elevation of Unit 2 hereby permitted shall be glazed in obscure glass with a minimum of level 3 obscurity, and shall be fixed shut with the exception of a top hung openable fanlight (or other means of opening to be first agreed in writing by the Local Planning Authority) prior to first occupation of the development hereby permitted and the windows shall be retained as such thereafter.
- 6) Notwithstanding the provisions of the Town and Country (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order), no development as specified in Schedule 2, Part 1, Class A - Extensions; Class B - Roof Extensions; Class E - Outbuildings; Class F - Hardsurfacing shall be undertaken without obtaining planning permission from the Local Planning Authority.
- 7) Prior to first occupation of the development hereby permitted, all carbon reduction energy efficiency measures shall be implemented in accordance with the Energy Statement hereby approved and a Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Verification Report shall demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.
- 8) Details of the location and specification of any external heating or energy generation system to be used in the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation. Any approved external heating or energy generation system shall then be installed in accordance with the approved details.
- 9) The visibility splays shown on the approved plan 2414/P/051/A shall be provided prior to first occupation of the development hereby permitted, and shall thereafter not be obstructed by any object, structure, planting or other

material with a height exceeding or growing above 0.6 metres as measured from carriageway level.

- 10) Prior to first occupation of the development hereby permitted, the parking and turning areas shall be provided in accordance with the approved plan 2414/P/051/A and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking and turning of vehicles associated with the development at all times.
- 11) Prior to the construction of the development hereby permitted above slab level, details of cycle parking facilities shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking shall be implemented prior to first use of the development and thereafter retained in accordance with the approved details.
- 12) Prior to the construction of any development above slab level a scheme for the landscaping of the site, including the planting of live trees and shrubs, the treatment of the access road and hard standings, and the provision of boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The scheme shall be implemented prior to first occupation or use of the development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.
- 13) The tree protection details as shown on the approved Arboricultural Method Statement and associated tree protection plan produced by Heritage Tree Services dated October 2024 shall be put in place prior to any on site works including demolition and thereafter retained in situ for the duration of development.
- 14) The development hereby permitted shall be implemented in accordance with the recommendations of the Preliminary Ecological Appraisal (Davidson-Watts Ecology, September 2023) submitted with the application in all respects.
- 15) A Landscape and Ecological Management Plan (LEMP), as informed by a suitably qualified ecologist, shall be submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall detail enhancements identified within Section 5.6 of the Preliminary Ecological Assessment (Davidson-Watts Ecology, September 2023), the specification and location of integrated bat boxes and integrated bird boxes and a scheme of new and retained soft landscaping and all habitat creation (including native hedgerow planting) and retained habitats as per the Biodiversity Net Gain Assessment report (DeltaSimons, October 2023) and Site Plan (2414/P/051/A). Thereafter, the development shall be implemented in accordance with the approved LEMP

and all ecological mitigation and enhancement features shall be delivered on site prior to first use and retained as such thereafter.

- 16) No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) measures for the protection of the natural environment;
 - i) hours of construction, including deliveries, has been submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction methods.

- 17) No external lighting shall be installed on the site other than in accordance with details, which have first been submitted to, and approved in writing by, the Local Planning Authority. Details shall include location of the external lights and product specification.
- 18) Prior to the commencement of development, except for any demolition, a full surface water drainage scheme, shall be submitted to, and approved in writing by, the Local Planning Authority. The design of the surface water drainage system will be in accordance with the non-statutory technical standards for sustainable drainage systems, including details of soakage testing, levels, size, position and construction of drainage works. The drainage scheme shall be sized to accommodate a minimum of the worst case 1 in 30 year storm, with evidence to demonstrate that the site can accommodate the worst case 1:100 year storm + 40% Climate Change storm, without any flows exiting up to this storm event and any storage on site not causing a nuisance or flooding to property. Should infiltration be deemed unsuitable by way of failed BRE365 percolation testing, then the combined outflow rate to the nearby watercourse will be restricted to 1.5 l/s. The approved scheme shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.
- 19) Prior to the occupation of any dwellings, a SUDS Compliance report prepared by an appropriately qualified Engineer must be submitted to and approved by the Local Planning Authority. This must suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following;

- a) Inclusion of as-built drawings;
 - b) Inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated;
 - c) Details of any remediation works required following the initial inspection;
 - d) Evidence that that remedial works have been completed; and
 - e) CCTV survey.
- 20) Prior to the commencement of development, except for any demolition, a full foul water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall include details of soakage testing (if necessary), method, levels, size, position and construction of the drainage scheme. Thereafter the scheme as approved shall be implemented prior to first occupation of the development hereby permitted.
- 21) Prior to first occupation of the development hereby permitted, an Electric Vehicle Charging Point shall be installed for each dwelling and thereafter retained as such.

End of Schedule