



Appeal Decision

Site visit made on 15 September 2025

by Janine Laver BA (Hons) MSc PGDL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/C3105/W/25/3368803

Land rear of Bridge House and 1 and 2 The Villas, Main Street, Wendlebury, Bicester OX25 2PW

- 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 Mr A Jewson (SGJ Limited) against the decision of Cherwell District Council.
 - The application reference is 25/00427/PIP.
 - The development proposed is described as permission in principle for residential development of 2-3 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle (PIP). This is an alternative way of obtaining planning permission that separates out consideration of matters of principle (the first stage) from technical details (the second stage).
3. The scope of considerations under the first stage of PIP is limited to the location, land use and amount of development. All other matters are considered as part of a subsequent Technical Details Consent application if PIP is granted. I have determined the appeal accordingly.

Main Issues

4. The Council, via its officer report for the appealed application, has commented that: the proposed residential use of the site would be compatible with the other residential use in Wendlebury and the amount of the proposed development could be accommodated within the appeal site. I see no reason to take a contrary view.
5. Accordingly, I consider the main issue for the determination of this appeal is whether the appeal site would be a suitable location for the proposed development having regard to local policy and flood risk.

Reasons

6. The appeal site is an area of open grass land behind houses which front onto Main Street in the centre of the village of Wendlebury. The site is bound on its sides by mature trees and hedges and to the rear by a stable building and manège with fields beyond. The site is accessed by an existing private gravel driveway from Main Street between Bridge House and The Lion Public House, the latter being a grade II listed property. The access driveway serves Bridge House and 1 The Villas and doubles up as an area of private off-street parking. There is a brook

running parallel to Main Street. This part of Main Street and the front part of the access driveway to the appeal site are located in Flood Zones 2 and 3.

7. A previous appeal concerning a similar PIP application on this site was dismissed on 17 July 2023 (APP/C3105/W/22/3312196) (the 2022 appeal). I understand from the evidence before me that since the 2022 appeal was dismissed, the Council can no longer demonstrate a five-year housing land supply and a signal controlled crossing of the A41 has been installed nearby, assisting Wendlebury residents with gaining access to some of the bus services operating in the area. Whilst those change in circumstances are material to the determination of the current appeal, the position with respect to the development plan remains unchanged.
8. Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 (the CLP) (which was adopted in July 2015) seeks to distribute growth to the most sustainable locations. The CLP defines those locations as Banbury, Bicester and the larger villages which have a range of services and facilities.
9. Policy Villages 1 of the CLP categorises villages with respect to the scale of development that would be acceptable in each of them. Paragraph C.254 of the CLP explains that the categorisation is based on the suitability of villages to accommodate growth based on their scale, access to services and facilities and ability to support sustainable travel patterns. Under Policy Villages 1, Wendlebury is a Category C village considered suitable only for infilling or conversions within its built-up limits.
10. Infilling is defined in the CLP as development within a small gap in an otherwise continuous built-up frontage (paragraph C.264). The proposed dwellings would be set behind existing dwellings that front onto Main Street, rather than infilling a gap between existing built development fronting that road. As such, the proposed development would not meet the CLP definition of infilling.
11. Like the Inspector who determined the 2022 appeal, I note that the built-up limits of Wendlebury are not defined by a development plan settlement boundary and that the houses in the nearby cul-de-sac, Farrier's Mead, extend further back from Main Street than the rear boundary of the appeal site. However, the appeal site currently has the appearance of undeveloped, grassed land and rather than being contained by built development at the rear of the site, it adjoins a field containing only a stable building. I therefore consider the proposed development would extend built form onto previously undeveloped land beyond the existing built-up limits of the village. The principle of development would therefore be contrary to Policy Villages 1 of the CLP.
12. In addition, saved Policy H18 of the Cherwell Local Plan (November 1996) (the LP 1996) restricts the construction of new dwellings beyond the built-up limits of settlements unless certain criteria are met, which in this case they would not be met. The proposal therefore conflicts with Policy H18 of the LP 1996.
13. In dismissing the 2022 appeal, the Inspector found that the proposed development would be reasonably well located to encourage travel by bicycle into Bicester and the Park and Ride (which is approximately 1.7 miles from the site) providing buses to Bicester and Oxford. I have no reason to reach a contrary view with respect to those aspects of the proposed development's location.

14. However, in determining the 2022 appeal, the Inspector identified concerns about the availability of other options for sustainable travel and considered that reliance on car use would remain particularly during poor weather and hours of darkness. Based on my observations of the area during my site visit, I consider it unlikely that many, if any, residents of the village walk to or from the Park and Ride facility, for while the road is classed as National Cycle Route 51 it does not have a footpath and it is unlit for its entire length. The speed limit also changes from 20mph to national speed limit as you leave the built-up part of the village. This would not be a safe or indeed a quick/convenient walking route for occupiers of the proposed development. There is a footpath in/out of the far north end of Wendlebury to the side of the A41, but that is also narrow, unlit and adjacent to very fast moving traffic. I therefore consider that the footpath would not be a viable, safe or convenient walking route to the Park and Ride for the occupiers of the proposed development.
15. I did note, however, that there are bus stops in the village in close proximity to the appeal site serving routes to and from Oxford City Centre and Bicester Town Centre. The timetable for the buses towards Oxford City Centre indicated that the buses stop in the village only four times a day on weekdays and Saturdays at approximately two-hour intervals, with the first bus at 10:05am and the last bus at 4.35pm (5.05pm on Saturdays). The buses in the opposite direction to Bicester Town Centre also run only four times a day on weekdays and Saturdays between 9.13am and 4.10pm (4.40pm on Saturdays). I consider the bus services routing directly via Wendlebury would not provide an attractive public transport option for residents of the proposed development to access work/school/ leisure activities and general services.
16. More frequent services to Oxford and Bicester are however available from bus stops on the A41 (Wendlebury Turn stops). To reach the Wendlebury Turn stops from Wendlebury village I had to walk from Main Street, along Church Lane to its end, go through the churchyard and beyond into a coppiced area, at the back of which was a timber gate in a solid fence line adjacent to the A41. The gate opened onto a short footpath to the side of the A41, which only serves the bus stop (in the direction of Oxford) and the new signalised pedestrian crossing to a short footpath and bus stop (in the direction of Bicester) on the north side of the road. The signalised pedestrian crossing of the A41 provides a safe route for accessing the bus stop on the north side of the A41.
17. The bus routes to Bicester or Oxford from Wendlebury Turn generally operate with frequencies between 20 and 25 minutes for around 18 hours out of every 24 hour period. Those services are therefore quite frequent; however, I consider the pedestrian route to the respective bus stops, via Church Lane, would not necessarily be convenient and/or comfortable.
18. During my daytime site visit I found that the walk from the centre of the village, along Church Lane and through the churchyard to the A41 bus stops to be both pleasant and safe. However, I noticed that the route had no lights and the coppiced area to the rear of the churchyard would be very dark at night and could feel unsafe for users. I also noticed that the gate latch on the A41 side had a padlock through it (although it was unlocked at the time) and the gate handle was also missing and had been replaced with just a piece of wire. In the event of the gate in the fence being locked or obstructed in any other way, occupiers of the

proposed development would be unable to walk to or from the Wendlebury Turn bus stops.

19. Despite the frequent bus services along the A41, I therefore have reservations as to whether the Wendlebury Turn stops would be in a convenient location for residents of the proposed development, particularly after dark or during periods of inclement weather. Whilst the introduction of a pedestrian crossing on the A41 has no doubt improved travel options for residents of Wendlebury, I consider the availability of that crossing alone does not make this village an ideal location for new housing.
20. Accordingly, I conclude that the appeal site would not be a suitable location for the proposed development having regard to the development plan's spatial strategy for housing conveyed in Policies ESD1 and Villages 1 of the CLP and saved Policy H18 of the LP 1996.
21. With regard to flood risk, although the majority of the site lies in Flood Zone 1, the front part of the access and the adjoining section of Main Street lie within Flood Zones 2 and 3. That means that the parts of the site within Flood Zones 2 and 3 would be at medium and high risk of flooding. Photographs and written representations submitted to the Council at the application stage provide evidence that Main Street has been flooded several times in recent years in the vicinity of the access to the proposed development.
22. I recognise that the access to the proposed development is existing and is used by the occupiers of other residential development. However, Policy ESD6 of the CLP states that the Council will manage and reduce flood risk through using a sequential approach to development and that development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the National Planning Policy Framework (the Framework) and National Planning Practice Guidance (PPG).
23. Paragraph 174 of the Framework explains the aim of the sequential test. It stipulates that permission should not be granted if there are reasonably available sites appropriate for the proposed development in areas of lower flood risk. Under the terms of paragraph 175 of the Framework a sequential test should be used in areas known to be at risk now or in the future from any form of flooding. Paragraph 175 makes no exceptions for site accesses. Given that the access serving the proposed development would be in Flood Zones 2 and 3, I consider that a sequential test should have been undertaken.
24. On that basis, I cannot accept the appellant's contention in its flood risk statement that the proposed development would be appropriately located within the flood zone and that it would be appropriate to defer submitting both a sequential test and an exception test until a TDC application (stage 2 of the PIP process) is made to the Council for its consideration.
25. The principle of residential development in the flood zone in this location cannot be assessed or established without the sequential test having been applied in the first instance. Therefore, the failure to comply with Policy ESD6 of the CLP and the policy and guidance included in the Framework and PPG on areas at risk of flooding provides a reason for why PIP should not be granted in this instance.

26. I recognise that flood risk was not identified as a main issue when the July 2022 appeal was determined. However, the Framework was revised in December 2024 in relation to flood risk and it has clarified that the sequential test applies to all built development, including access or escape routes, land raising or other potentially vulnerable elements. I also recognise that the Council did not raise the need to undertake a sequential test in either its officer report or its statement of case and it appears the Council did not obtain advice from the lead local flood authority, with it instead only obtaining comments from its own drainage officer. Nonetheless, as the appellant's flood risk statement demonstrates, the appellant was aware of the flood risks in this location and the basis on which a sequential test would apply.
27. I consider that the lack of information to address the sequential test means the proposed development would not be in a suitable location in principle. That is because it would introduce development on land at flood risk when it has not been demonstrated that other land at lower risk may be available to accommodate the proposed development. In the absence of information to show compliance with the sequential test, I conclude the location of the proposed development would not accord with policies that seek to direct development to areas at the lowest risk of flooding. The proposal would therefore be contrary to Policy ESD6 of the CLP, as well as the policy and guidance included in the Framework and the PPG.
28. For the reasons given above, I therefore conclude that the appeal site would be an unsuitable location for the proposed development having regard to local policy and flood risk.

Other Matters

29. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
30. The appeal site is located close to The Lion, a grade II listed public house. The previous Inspector found that the proposal could be designed to avoid harm to the setting of the aforementioned listed building. Having visited the site, I have no reason to disagree with the previous Inspector.
31. The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites. Accordingly, under the provisions of paragraph 11(d)(i) of the Framework, where the policies which are most important for determining the application are out-of-date, permission should be granted unless "*... the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed...*". Footnote 7 of the Framework explains that protected areas include, amongst other things, "*... areas at risk of flooding ...*". The failure to comply with the Framework's policies concerning the risk of flooding provides a strong reason why the PIP should be refused.
32. The proposed development would provide up to three new dwellings. However, I consider the proposed development's contribution to reducing the housing supply deficiency would be modest, and that the adverse impacts of granting the PIP give rise to conflicts with the development plan when read as a whole and the Framework, and would significantly and demonstrably outweigh the benefits.

Conclusion

33. For the above reasons, I conclude that the proposed development would not be sustainable and that the appeal should be dismissed.

Janine Laver

INSPECTOR