



Appeal Decision

Site visit made on 29 July 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/Q3115/W/25/3365193

Land to rear gardens of 79a and 81 Lower Icknield Way, Chinnor, Oxfordshire OX39 4EA

- 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 Brendan Heenan of BHK Field View Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P25/S1006/PIP.
 - The development proposed is “permission in principle development proposed 8 to 9 dwellings”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development section of the application form describes the site address as land to the rear of Walnut Tree Close. However, in the site address field on the application form it is identified as land to the rear gardens of 79a and 81 Lower Icknield Way. I have therefore used the latter in the banner heading above and I have also removed the address reference from the description as it is not development.
3. 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 2 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 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. There is no dispute between the main parties with regard to the amount of development, and I have no reason to take a different view. I shall therefore focus on the matters of land use and location in my determination of the appeal.

Main Issues

5. The main issues in this appeal are whether, having regard to the location and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

proposed land use, the proposal would (i) be in a suitable location, and (ii) be acceptable infill or backland development.

Reasons

Suitability of Location

6. The appeal site is part of a small paddock on the edge of Chinnor. There is open agricultural land to the northwest and housing to the northeast and also to the southwest, which includes housing under construction.
7. It is proposed that the appeal development would be accessed via a new road off Lower Icknield Way which would be built in association with planning permission for the erection of 9 houses allowed at appeal on 18 December 2024².
8. The Chinnor Neighbourhood Plan 2011-2035 (CNP) defines a development boundary for the village. The appeal site is outside the defined boundary. As such, the proposal gains no support from CNP policy CH H1, which is permissive of infill development within the settlement boundary.
9. Under the terms of CNP policy CH H7, development outside the development boundary is only acceptable where it is necessary or suitable for a countryside location or it would be infill development as defined under CNP policy CH H1. The Council acknowledges that there is a shortfall in housing land supply within the district. However, there is no compelling evidence before me to demonstrate it is necessary for the proposed housing development to be located beyond the settlement boundary or in a countryside location. Moreover, the proposal would not accord with CNP policy CH H1 as it would not be within the development boundary and it would extend the built limits of the settlement onto land that is currently undeveloped. As such, the development would not be permissible under CNP policy CH H7. Therefore, I conclude the proposal would not be in a suitable location having regard to CNP policies CH H1 and CH H7.

Infill and Backland Development

10. Policy H16 of the South Oxfordshire Local Plan 2011 – 2035 (the SOLP) deals with backland and infill development and redevelopment. Part 1 of the policy limits development within smaller villages and other villages to infill and redevelopment of previously developed land. I note from the documents before me that Chinnor is a large village, however it is unclear whether part 1 of the policy and the definition of infill development in part 2 is relevant to this proposal. In any event, the proposal would not represent the filling of a small gap within a built up frontage as the site is fairly large and behind existing development. Also, it would not be a site within a settlement as it falls outside settlement boundary for Chinnor as defined in the CNP. As such, the development would not accord with part 2 of SOLP policy H16, even though it would be closely surrounded by buildings and of a scale appropriate to its location.
11. The final part of Policy H16, part 3, indicates that housing development on land behind an existing residential frontage should not extend “*the built limits of the settlement*”.

² Appeal references APP/Q3115/W/24/3350748 and APP/Q3115/W/24/3350750

12. I acknowledge the appellant's point that the development would not jut out into the countryside beyond existing development. Nevertheless, as the appeal site is undeveloped and is physically outside the development boundary defined in the CNP, I find that the development would extend the built limits of the development. Therefore, I conclude that the development by reason of its location and land use would not be acceptable infill or backland development and in these regards it would be contrary to Policy H16.

Other Matters

13. Whilst access has been approved by appeal reference APP/Q3115/W/24/3350748 and as it is a matter for the TDC stage, compliance with the development plan in this respect is a neutral factor in this appeal.

Planning Balance

14. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites, although the main parties disagree on the extent of the shortfall. The Council indicates it can demonstrate 4.5 years' worth of supply, whereas with reference to other recent appeal decisions, the appellant suggests it is 3.28 years. For the purposes of this appeal, I tend to favour the appellant's lower estimate.
15. Given the shortfall, paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There is nothing to suggest 11(d) (i) is relevant to this case, hence the balance in 11(d) (ii) applies. Paragraph 14 of the Framework advises that in situations where the presumption at paragraph 11(d) applies, the adverse impact of allowing development that conflicts with the NP is likely to significantly and demonstrably outweigh the benefits. This is provided that the NP became part of the development plan five years or less before the date on which the decision is made, and that it contains policies and allocations to meet its identified housing requirement.
16. The CNP is less than two years old and through policy CH H6 it allocates land for new housing. Therefore, paragraph 14 of the Framework is relevant. The site forms part of a wider site which is referenced in the 2024 Housing and Economic Land Availability Assessment, a part of which has approval for 9 dwellings, demonstrating its potential for development.
17. The proposal would add to the housing stock and so it would help boost the supply of dwellings. Paragraph 73 of the Framework recognises that small and medium sized sites, like the proposal site can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly which would help meet pent-up demand.
18. In economic terms, the proposed development would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. Although a matter for the TDC stage, landscaping would provide biodiversity enhancements.

19. I have attributed these combined social, economic and environmental benefits moderate weight in the planning balance.
20. However, in light of paragraph 14 of the Framework, the adverse impacts of allowing the development that conflicts with policies of the CNP would significantly and demonstrably outweigh the benefits of the proposed development. Therefore, I find the presumption in favour of sustainable development as detailed in paragraph 11 of the Framework offers no support for allowing the appeal.

Conclusion

21. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

SE Hughes

INSPECTOR