
Appeal Decision

Site visit made on 14 October 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/D3125/W/25/3367134

Ramblers Cottage, The Walk, Main Road, Alvescot, Oxfordshire OX18 2PU

- 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 Mr Seth Dixon against the decision of West Oxfordshire District Council.
 - The application Ref is: 24/03201/FUL.
 - The development proposed is a new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal submission includes three amended plans¹ and additional technical information² in response to the second reason for refusal. This does not form a substantial difference or fundamental change to the proposed development, and has also been reviewed and commented upon by the Council's Assistant Ecologist. I have therefore accepted this additional information for consideration under this appeal, as it would not prejudice interested parties.
3. The appeal site has an extensive planning history. The proposal site was subject to an enforcement notice upheld at appeal in 2020³. The requirement of the notice was to reinstate the wall to match in materials, design and height that of the remaining wall to the front of Ramblers Cottage. I found during my site visit that this wall has been reinstated. Whilst the planning history and previous appeal decision are significant material considerations, and are referred to below where relevant, I must also have regard to the submitted evidence for this appeal, along with the current policy context. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of Alvescot Conservation Area and the setting of surrounding heritage assets, and;
 - whether the information provided with this appeal adequately demonstrates that legislative provision of Biodiversity Net Gain would be possible.

¹ Ref: W6225, dated 01 May 2025

² Biodiversity gain plan dated 05 May 2025

³ Appeal ref. APP/D3125/C/19/3222890

Reasons

Alvescot Conservation Area (ACA)

5. The site is within the ACA and the ACA's boundaries encapsulate a large area of Alvescot village. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. From what I have seen and read, the significance of the ACA is derived from the amount of historic and traditional stone buildings of vernacular design, interspersed by pockets of trees and areas of open land. There are also many sections of roadside drystone walls that contribute to the ACA's significance, some with significant length. As also noted by another Inspector⁴, I found within the ACA a number of breaks in drystone walls for pedestrian and vehicular accesses.
7. Collectively, the above features tell of the village's historic context. They give a strong sense of how Alvescot has evolved haphazardly to give an informal and dispersed form, as noted in the West Oxfordshire Design Guide 2016 (WODG).
8. The roadside drystone wall within the appeal site forms part of a longer section of wall. Much of this wall is obscured by shrubbery, including growth directly on the wall. Parts of the wall are bowing, but there is no substantive evidence before me that this wall is of imminent risk of collapse. The wall is not listed at local or statutory level and it has been patched in many places by newer and non-historic fabric, including at the proposed access point.
9. Wall replacement and repair works are however not uncommon along roadsides. In the specific case of the appeal site and its immediate setting, I found such works to appear as sympathetic repair and part-replacement of the drystone wall. Its integrity and interest as a feature of historic character have therefore not been extinguished.
10. The wall enclosing the appeal site therefore forms a positive historic feature of the ACA. The grounds in which it encloses are private and include some trees. The appellant refers to a large chestnut tree that was removed in 2023 as approved by the Council's Tree Officer. I also accept that the laurel hedge alongside and inset from the roadside wall is non-traditional. Nonetheless, when viewed from Main Road, the proposal site forms an important green space in visual and functional terms that contributes to the significance and distinctiveness of the ACA.
11. No driveway route is proposed, and the appeal scheme's access point and gate is of simpler form than that proposed nearby in 2018. The proposed opening of the wall is also narrower than that considered under the enforcement notice appeal determined in 2020. Whilst the proposed plans indicate the hardstanding to be gravel, the appellant advises that toughened matting could instead be used to provide a natural appearance and to allow areas of grass to still grow.
12. The current scheme would nonetheless significantly and adversely alter the historic and verdant character of the ACA. This impact would be accentuated by the proximity of the hardstanding area to the road frontage and the loss of boundary hedgerow, despite this shrubbery being non-traditional. Parked vehicles would therefore inevitably be visible in close proximity to the roadside.

⁴ Appeal Ref: APP/D3125/W/22/3301411

13. In the vicinity and further across the village, there are other pedestrian and vehicle openings within drystone walls, some of which are enclosed by gates of varying design and scale. Many of the more ornate cited examples are clearly historic and include a Grade II Listed gate pier⁵. There are also substantial unbroken sections across Alvescot and near to the proposal site. To my mind, this highlights the importance of retaining the historic integrity of the remaining drystone walls and associated green spaces, to conserve the significance of the ACA .
14. The development would also be near to the Parish Council's recently implemented hardstanding. This is however significantly enclosed by shrubbery, much of which is afforded statutory protection by dint of being within a Conservation Area. This adjacent development therefore also does not justify the appeal scheme.
15. For the above reasons, I conclude that the proposal conflicts with Policies OS2 , OS4, EH9, EH10 and EH13 of the West Oxfordshire Local Plan 2031 (WOLP) (adopted 2018). Collectively, these policies require, among other things, development proposals to contribute to local distinctiveness and conserve or enhance the special interest, character, appearance and setting of a Conservation Area in terms of location, form, layout, alignment and external appearance, the original pattern of development and important green spaces.
16. The Council has provided what it considers as relevant extracts of the WODG. Such extracts however do not refer to vehicular accesses, gates or parking areas. Specific conflict with the WODG has therefore not been demonstrated.

- surrounding designated heritage assets
17. The nearest Listed Building is the Grade II Listed former Baptist Chapel⁶. Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
18. The former Baptist Chapel is of probable 1830s origin and in much more recent years, was converted to a dwelling. Its significance is derived in part from its modest form, simple and traditional vernacular including coursed rubble limestone walls, and its relatively secluded and treed setting despite it now having its own vehicular access off Main Road.
19. This Listed Building and the appeal dwelling were historically accessed via The Walk. Whilst some of The Walk is still intact, both these buildings are now in private residential use and have use of vehicular accesses. Intervisibility is also partially restricted by the later addition of a village hall between these buildings. This has disrupted the functional relationship between these buildings.
20. However, the proposed development would be much closer to this Listed Building than Ramblers Cottage. When viewed towards the southeast from Main Road, the development would be clearly visible in the foreground of this designated heritage asset. It would therefore significantly disrupt and harmfully dilute the secluded setting of this Listed Building. In visual terms, the appeal proposal would therefore fail to conserve the setting of the former Baptist Church that contributes to its special architectural and historic interest.

⁵ Shill House, Station Rad (Historic England List Entry Number: 1053587)

⁶ Historic England List Entry Number: 1198197

21. In this respect, I therefore conclude that the proposal conflicts with Policy EH11 of the WOLP. This policy requires, amongst other things, development to respect the setting of a Listed Building, including its historic landscape or townscape context.
22. The Grade II Listed Manor Cottage⁷ is of late 17th century origin and accessed off the other side of Main Road. Its significance is derived in part from its vernacular architectural features and its relatively secluded set back from the road behind mature shrubbery. Manor Cottage does not lie directly opposite the proposed development and there are also intervening buildings. The proposal would thus not harm the special character, historic interest and setting of this Listed Building, either in visual or functional terms.
23. Stonycroft⁸ is also Grade II Listed and of late 17th century origin. It is slightly closer to the road than Manor Cottage and has a much more open street frontage. Its significance is derived in part from its distinctive stone chimney features and mullion window detailing. Stonycroft is set further away from the proposal site than Manor Cottage. Therefore, the proposal would not harm its special character, historic interest and setting either in visual or functional terms.

-surrounding non-designated heritage assets (NDHAs)

24. The Plough Inn is included on the 1875-1887 historic map before me. It still reflects the local vernacular, including coursed stone walls and sash windows with decorative surrounds. This public house is in close proximity to the Main Road footway and is directly opposite the appeal scheme. Given its historic character and proximity to the proposal, the development would harmfully impinge on the setting of this NDHA in visual terms.
25. Policy EH16 of the WOLP sets out that when considering proposals that would indirectly affect non-listed buildings, the presumption will be in favour of the avoidance of harm. A balanced judgement will be made having regard to this presumption, the significance of the heritage asset, the scale of any harm, and the benefits of the development. I shall therefore return to this matter in the Heritage and Planning Balance section below.
26. Immediately beyond the Inn's car park access, the side gable of Ivy Cottage abuts the footway, and Jasmine Cottage adjoins this dwelling on its other side set away from the road. Further along the road and away from the proposal, Honeypot Cottage faces the road at very close proximity. There is common ground between the main parties regarding these buildings insofar as they form NDHAs. Following my site visit, I have no reason to disagree, as these buildings are also good examples of the local vernacular. Given the separation distances between the proposal and these NDHAs, there would be no harm to their significance.

Biodiversity Net Gain (BNG)

27. On 02 April 2024, the Environment Act 2021 statutory provisions relating to BNG came into force for smaller sites such as the appeal site. This is principally set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 (As Amended). Under this statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is

⁷ Historic England List Entry Number: 1053589

⁸ Historic England List Entry Number: 1198188

- for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
28. Article 7(1A)(c) of the Town and Country Planning (Development Management Procedure) Order 2015 (DMPO) (As Amended) requires applications for planning permission to be accompanied by certain information relating to BNG. Where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by certain listed information.
29. Such information includes the completed metric calculation tool showing the calculation of the biodiversity value of the onsite habitat on the date immediately before any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land. Article 7(1A)(c) also requires a plan showing the location of the onsite habitat included in the calculations referred to in the completed biodiversity metric calculation tool.
30. The Council describes the lawful use of the proposal site as a paddock and historically, part of a wooded area and/or possibly a small field. The BNG metric score for the existing baseline, as provided by the appellant, is predicated on the site containing vegetated garden land as the existing habitat, and the Council contends that this is not the lawful use of the proposal site.
31. The existing lawful use is not a matter that can be formally determined under this section 78 appeal. My focus must instead be on the pre-development biodiversity value of the onsite habitat. This is defined in paragraph 5 of Schedule 7A to the 1990 Act as the biodiversity value of the onsite habitat on the date on which the planning permission is granted.
32. During my site visit, the proposal site had the appearance and features of vegetated garden land as indicated in the amended plans. On this basis, I see no need to include each individual tree greater than 7.5cm diameter at breast height (DBH) as set out in the Statutory Biodiversity Metric User Guide⁹. Whether or not the proposal site forms part of the “curtilage” of Ramblers Cottage is not a relevant consideration for the purposes of the BNG legislation.
33. However, the amended plans do not include the existing section of hedgerow that would require removal to provide the new vehicular access. The more detailed plans for the proposal¹⁰ also indicate further removal of this roadside hedgerow to facilitate the new gravel hardstanding area. Whilst this hedgerow is non-native, there is no evidence before me to indicate that it does not have at least some biodiversity value. The amended plans therefore do not include all onsite habitat that must be included within the completed biodiversity metric calculation tool.
34. Article 7(1A)(c) of the DMPO (As Amended) also requires the biodiversity value referred to in the completed biodiversity metric calculation tool. Whilst the appeal submission includes a statutory biodiversity metric completed by a competent person, this pre-dates the amended plans. It has therefore not been adequately demonstrated that this metric correctly records the biodiversity value of the site.
35. In conclusion, for the above reasons the information provided with this appeal does not accord with the statutory provisions relating to BNG, as it does not accurately record the pre-development biodiversity value of the onsite habitat. That being said,

⁹ DEFRA, first published February 2024 and last updated 03 July 2025

¹⁰ Drawing No. 01, dated December 2024

the biodiversity gain plan dated 05 May 2025 confirms that the appellant intends to purchase off-site units to meet the 10% BNG requirement.

36. Given the way in which the biodiversity gain objective is underpinned by a separate statutory framework, it would have been inappropriate for me as the decision maker to dismiss the appeal solely on the grounds that the biodiversity gain objective would not be met. This is because the determination of a biodiversity gain plan by the Council would in any event be required as part of the pre-commencement biodiversity gain condition, if planning permission were to be granted. As I am dismissing the appeal on another substantive ground, I need not consider this matter any further, as it could not lead me to a different decision.

Other Matters

37. Specific reference is made to an appeal dismissed in November 2022 for a new dwelling and garage at Butlers Court Farm¹¹, off the same side of Main Road as the current appeal site. Whilst the plans for that proposal are not before me, I accept that the Inspector for that appeal raised no explicit concern regarding that section of wall. However, the appeal was dismissed for other reasons and would have turned on its own merits and site-specific characteristics, which are materially different to the current appeal. The above referenced appeal decision therefore does not justify allowing the current appeal.
38. I note that Oxfordshire County Council as the Local Highways Authority explicitly raised no objection to the proposal, and no objections from neighbouring residents were received in consultation. These lack of objections indicate a lack of harm and are thus neutral factors that neither weigh in favour nor against allowing the appeal.
39. For clarity, the Council's reference to the proposal setting a precedent for future development has had no bearing on my determination of this appeal. This is because I must, and have, determined this scheme based on its own merits and site-specific circumstances.

Heritage and Planning Balance

40. I have found that the proposal conflicts with Policies OS4, EH9, EH10 EH11 and EH13 of the WOLP. Policy EH9 reflects the historic environment policies (Chapter 16) of the National Planning Policy Framework (the Framework), insofar as it states that heritage assets should be conserved in a manner appropriate to their significance, and that great weight should be given to the asset's conservation.
41. In each case, the adverse impacts on the ACA and the setting of the former Baptist Church that I have identified amount to less than substantial harm to their significance, having regard to Chapter 16 of the Framework. Less than substantial harm does not however equate to a less than substantial planning objection. The ACA is clearly an important asset for the village in terms of its character. A Listed Building is by definition considered as an asset of national importance. Consequently, I give each incidence of harm considerable importance and weight.
42. Policy EH9 reflects the Framework as it sets out that proposals which would harm the significance of a designated asset will not be approved, unless there is a clear and convincing justification in the form of substantive tangible public benefits that

¹¹ See footnote 4 above

clearly and convincingly outweigh the harm, using the balancing principles set out in national policy and guidance.

43. I have also found that there would be harm to the setting of The Plough Inn as a NDHA. Policy EH16 reflects Framework paragraph 216, which states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this respect, Policy EH16 also requires consideration of the benefits of the development.
44. The existing vehicular access route to the Ramblers Cottage is narrow and since its construction, it now serves two additional dwellings. These three dwellings now also have extensions, carports and outbuildings, offering multigenerational living options for three large families. I nonetheless envisage that vehicular movements along this access would typically be low. I also found possible passing points beside the gated accesses to Lime Tree Cottage and its outbuilding.
45. Whilst the overall opportunities for two vehicles to pass each other are limited, this is not a highway safety issue of sufficient magnitude to allow the appeal. Moreover, as the proposal would retain access to Ramblers Cottage from the existing Main Road entrance, I do not envisage a significant reduction in vehicular trips along it.
46. I accept that turning for delivery or emergency vehicles is difficult or impossible when other parked vehicles are present. The same issue could however arise from use of the proposed hardstanding area subject of this appeal by such larger vehicles, given its size and layout in relation to the proposed Main Road access. It could thus also lead to such vehicles having to reverse back on to Main Road.
47. Additionally, following my site visit, I have no reason to discount a realistic possibility that additional parking and turning space could be provided off the existing access route within the appellant's land, further away from Main Road and without removal of the existing drystone wall. I am therefore not satisfied that the appeal proposal has been designed to minimise the conflict between it and the conservation of the significance of the ACA, the former Baptist Church and The Plough Inn, as required by Policy EH9 and the Framework paragraph 208.
48. The proposal would be sited on higher ground than the existing driveway. However, there is little evidence before me demonstrating the precise flood risks of the existing route to the appeal site, and I therefore cannot give this matter any meaningful weight. Overall, the presented benefits would not outweigh the harm that I have identified.

Conclusion

49. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations before me, including the Framework, do not indicate that a decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

R Cahalane

INSPECTOR