



Appeal Decision

Site visit made on 29 October 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2025

Appeal Ref: APP/D3125/W/25/3369835

Land to the south of Heath Holm, New Yatt OX29 6TE

- 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 Frederick Townsend against the decision of West Oxfordshire District Council.
 - The application Ref is 25/01067/PIP.
 - The development proposed is erection of one infill dwelling and associated works and landscaping (permission in principle).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address in the banner heading above is taken from the original planning application form. However, I have included a postcode for clarity.
3. The Planning Practice Guidance advises that the Permission in Principle route is an alternative way of obtaining planning permission for housing-led development. It has two 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 two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if the first stage is granted. I have determined the appeal accordingly.

Main Issues

5. Whether the location, the proposed land use and the amount of development is suitable for residential development, having particular regard to the development strategy and the effect on the character of the area, and access to services and facilities.

Reasons

Development strategy and character of the area

6. The appeal site comprises a small parcel of land which has an irregular shape, adjacent to the hamlet of New Yatt. The site is accessed off New Yatt Road by a field entrance and track. The land is next to the road, set behind a frontage

hedgerow, vegetation and mature trees, and contains three blue metal shipping containers, a single storey flat roofed building and a small area of hardstanding.

7. The Council's development strategy is set out in Policies OS1, OS2, H1 and H2 of the West Oxfordshire Local Plan 2031 (the LP), which seeks to direct housing development to the right places, in accordance with the settlement hierarchy. Policy WIT6 of the LP also seeks to focus new housing within Witney, with the rest of the sub-area limited to meeting local community and business needs and steered towards the larger villages. Furthermore, Policy H1 of the Hailey Neighbourhood Plan 2019 (the HNP) sets out that small residential windfall developments on infill or redevelopment (brownfield) sites within Hailey (Middletown) will be supported subject to proposals being well designed and meeting specified criteria. Residential development in the smaller villages and hamlets will be restricted to the circumstances identified in Policy H2 of the LP.
8. The appeal site falls within the small villages, hamlets and open countryside category of the hierarchy. In these circumstances, Policy OS2 of the LP seeks to limit development to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area, and which accords with Policy H2 of the LP.
9. Policy H2 sets out that new dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 of the LP and in certain circumstances. There is no substantive evidence that the proposed development would meet any of the listed circumstances set out in Policy H2.
10. There is dispute between the main parties about whether the site meets the definition of previously developed land. While the structures have been on the land for some time and the appellant suggests that the land has been used for a commercial purpose for a significant number of years, without a Certificate¹ or other substantiated evidence, the existing use of the land and any lawful structures, is not clear. As such, I cannot be satisfied that the site meets the definition of previously developed land, as detailed within Annex 2 of the National Planning Policy Framework (the Framework).
11. Policies OS3, OS4 and EH2, together and amongst other things, seek new development to respect the landscape character of the locality, and, where possible, enhance the character and quality of the surroundings.
12. Houses within the hamlet primarily occupy spacious grounds and are two storeys in height. Beyond the end houses that align New Yatt Road, where the speed limit changes from 20mph to the national speed limit, there are no other buildings nearby and the landscape has an open, rural character, largely comprising fields, bounded by tall hedgerows and mature trees.
13. The existing metal shipping containers and flat roof building are well screened from the road by the frontage hedgerow, vegetation and the mature trees. Therefore, even though the structures and building have a utilitarian and unsightly appearance they are not visible from any main public vantage points in the surrounding area and the visual benefit of removing them is tempered.

¹ Certificate of Lawful Existing Development (Certificate) under Section 191 of the Town and Country Planning Act 1990.

14. Located away from the other houses in the hamlet, and with open countryside beyond, the proposal would not comprise infill development. Instead, it would be viewed as a standalone building outside the hamlet. As a result, it would be an anomaly within the landscape.
15. Due to the size constraints of the site, a large proportion of the existing frontage hedgerow, trees and vegetation would need to be removed from the land, which would open up the site. Furthermore, the irregular shape and size of the appeal site would make it difficult to construct a single dwelling on the land with an appropriate footprint, garden land and off-street parking. Indeed, a single dwelling would have a constrained plot size and a new house on the site would be cramped. The position next to the road would also make the new dwelling highly visible. As a consequence, for these collective reasons, a new dwelling on the land would not respect the existing pattern of development locally or the intrinsic character of the area.
16. Even though the harm would be relatively localised, the proposed development would be a permanent and noticeable, negative visual change to the landscape, nonetheless.
17. It is the case that various matters can be agreed at the technical details consent stage, including the appearance of a proposed dwelling. However, these matters would not address the concerns identified above.
18. In the context of the above considerations, I conclude that the appeal site would not be suitable for residential development, having regard to its proposed location, land use and amount of development, with particular regard to the development strategy and the effect on the character of the area. The proposal would, therefore, be contrary to Policies OS2, OS3, OS4, H1, H2, EH2 and WIT6 of the LP, and Policy H1 of the HNP.
19. The proposal has been put forward as Self Build and Custom Housing (self-build). The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. The Housing and Planning Act 2016 added to the above Act a duty to grant planning permission subject to exemptions at s2A. This provides that authorities must give development permission in respect of enough serviced plots of land to meet the demand for self-build housing in the authority's area arising in each base period.
20. Policy H5 of the LP supports self-build dwellings in suitable, sustainable locations, and subject to compliance with other relevant policies of the development plan, including Policies OS2 and H2 of the LP. As I have found that the proposal would not comply with Policies OS2 and H2 of the LP, the proposal would conflict with Policy H5 of the LP also.

Sustainable location

21. Policies T1 and T3 of the LP together and amongst other things, seek to give priority to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised, due to opportunities for walking, cycling and the use of public transport. This is consistent with the Framework which seeks to ensure that sustainable

transport modes are prioritised taking account of the vision for the site, the type of development and its location.

22. The nearest identified village is North Leigh which includes a post office and convenience store, primary school, village hall, library, a public house and church, as well as access to public transport. The centre of the village is approximately 1.7 kilometres away.
23. The main road leading to the edge of the village has a rural character, which is narrow in parts, with limited footways and streetlighting. Although the road is largely restricted to a 20mph and 30mph speed limit, I observed during my site visit on a weekday afternoon that vehicle movements were relatively frequent. For these reasons, and in combination with the distance to the centre of the village, future occupiers would be discouraged from walking and cycling to access services and public transport opportunities in North Leigh. Particularly during hours of darkness and in poor weather conditions.
24. For similar reasons, and variable ground conditions, public footpaths would also not be reliable routes either. This would particularly be the case for families with young children, older people or those with mobility issues.
25. In these circumstances, notwithstanding reference by the appellant to a restaurant and farm shop nearby, and the distance to the business centre in New Yatt, the future occupants would be highly dependent on the use of private cars for their day-to-day needs.
26. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Even so, I consider that the site is not readily accessible to the nearest settlements via a range of modes of transport. As such, and despite the lack of an objection from the Highway Authority, the proposal would not offer a genuine choice of transport or prioritise sustainable transport modes. Consequently, it is not clear to what extent the proposal would enhance or maintain the vitality of the nearby community.
27. For the reasons outlined, and on the evidence before me, I conclude that the proposal is not in a suitable location having regard to access to services and facilities. It therefore fails to accord with Policies T1, T3 and OS3 of the LP, as well as the aims and objectives of the Framework.

Other Matters

28. The appellant suggests that the site could also be considered under Class ZA of Part 20, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for demolition of buildings established for a light industrial process, and their replacement by a purpose-built detached dwellinghouse. However, no further details have been provided, and I therefore attach limited weight to the matter.
29. The Council accept that they cannot currently demonstrate a five-year supply of deliverable sites for housing. Indeed, the Council also acknowledge that the previously accepted figure of 4.3 years is expected to worsen. As such, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse

effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

30. The Framework makes it clear that weight should be afforded to policies of the development plan according to their degree of consistency with the Framework. In this regard, the Framework seeks rural housing to be located where it will enhance or maintain the vitality of rural communities. The Framework also seeks to direct development towards locations with good access to services and facilities and ensure that sustainable transport modes are prioritised. Furthermore, the Framework seeks the creation of high quality, beautiful and sustainable buildings and places, that are sympathetic to local character. Therefore, the conflict between the proposal and Policies OS2, OS3, OS4, H1, H2, H5, T1, T3, EH2 and WIT6 of the LP, and Policy H1 of the HNP should be given significant weight in this appeal.
31. A new house would contribute to boosting the supply of new housing, as referenced in the Framework. The development could also be delivered relatively quickly due to it representing a small, windfall site and could offer carbon saving under the latest revision of the Building Regulations. A new dwelling would also help the appellants to downsize and remain in the community, also freeing up a family home nearby. Indeed, a letter of support has been received from a local farmer which seeks to emphasise the operational and welfare benefits of the proposal. There would also be social and economic benefits to local services during the construction phases, without conflict with neighbouring land uses. I also acknowledge that no trees on or adjacent to the site are the subject of a Tree Preservation Order, and habitat improvements could be achieved with the addition of appropriate tree planting which could be secured at the technical details stage.
32. In combination, and taking into account the shortfall in housing land, which could become more significant, the benefits attract positive weight in my determination. However, due to the small-scale nature of the proposed development the benefits of the scheme would attract modest weight overall.
33. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

34. For the above reasons, I conclude that the proposed development would conflict with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it.
35. Given the above, the appeal should be dismissed.

N Bromley

INSPECTOR