
Appeal Decision

Site visit made on 6 October 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Appeal Ref: APP/D3125/W/25/3363544

Land at Brook Lane, Stonesfield OX29 8PR

- 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 and Mrs P Melrose against the decision of West Oxfordshire District Council.
 - The application Ref is 24/02390/PIP.
 - The development proposed is a single dwelling
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Decision

1. The appeal is allowed and permission in principle is granted for a minimum of one dwelling and a maximum of one dwelling at Land at Brook Lane, Stonesfield OX29 8PR in accordance with the terms of the application, Ref 24/02390/PIP.

Main Issue

2. The appeal proposal is for permission in principle. Planning Practice Guidance (PPG) states that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (or permission in principle stage) establishes whether a site is suitable in-principle. The second “technical details consent” (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first stage and thus solely relates to the principle of the scheme.
3. Scope of considerations for permission in principle is limited to location, land use and amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

5. For the purposes of the West Oxfordshire Local Plan (WOLP) (adopted 2018), the District is divided into five sub-areas based on landscape characteristics and local catchment areas for key services and facilities. The appeal site is within the Burford Charlbury sub-area. As set out in Policy BC1 of the WOLP, this sub-area includes a network of small and medium sized towns and villages, and the vast majority of this sub-area lies in the Cotswolds National Landscape (CNL).
6. Policy BC1 focusses new development on Burford and Charlbury. These rural service centres are relatively constrained by their location within the CNL and are

- suitable for a modest level of development in accordance with WOLP Policy OS2. Development elsewhere will be limited to meeting local housing, community and business needs and will be steered towards the larger villages.
7. Policy OS2 requires, amongst other things, proposals for residential development to be considered in accordance with Policy H2 of the WOLP. Policy H2 states that new dwellings at villages on undeveloped land adjoining the built up area (such as the appeal site) will be permitted where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs.
 8. The appeal site adjoins the built up area of Stonesfield, which is listed in the WOLP Table 4b settlement hierarchy as one of a number of villages. Supporting paragraph 9.6.3 to Policy BC1 indicates that beyond Burford and Charlbury, other larger settlements in the sub-area include Stonesfield, with a population of about 1,500 (at the time of the WOLP's adoption) and a thriving community spirit, with a range of local services and facilities.
 9. Whilst supporting text does not have the same force as policy and cannot trump it, the above nonetheless indicates to me that Stonesfield comprises a larger village for the purposes of the WOLP. It certainly cannot be described as a small village, as this is defined in Table 4b as "all other villages and settlements not listed above plus open countryside".
 10. It is put to me that when compared to sites in or adjoining larger settlements, future occupiers of the proposed dwelling would inevitably have a greater reliance on private cars, and average journey distances and times would be considerably higher. Be that as it may, I found the appeal site to be within safe and convenient walking distance to Stonesfield's facilities and services, including a primary school and a shop with post office. Although the footways are not continuous, routes from the appeal site are subject to a 20mph speed limit.
 11. Whilst my site visit was only a snapshot in time, I observed people of varying ages walking on the village roads, which had low traffic speeds and levels. I am therefore satisfied that future occupiers of the proposed dwelling would have realistic transport alternatives for some everyday journeys beyond use of the private car.
 12. I therefore conclude that in terms of distance and access to Stonesfield's facilities and services, the location of the appeal site is suitable for one dwelling and forms a limited level of development in the context of the WOLP's spatial strategy. Provision of one new dwelling would also help to maintain the vitality of the Stonesfield community, as supported by Policy OS2 of the WOLP.
 13. Turning to the proposed land use, the appellants describe the proposal as a self-build dwelling, to be constructed on land under their family's ownership. However, the application form description of development does not include self-build. Moreover, the absence of an appropriate legal mechanism before me, such as a S106 agreement or unilateral undertaking, means that delivery and occupation of the dwelling as self-build cannot be secured with any degree of certainty. Whilst I acknowledge that the appellants' intention is to build and occupy the proposed dwelling, this is not enough, on its own, to qualify as a self-build or custom dwelling.
 14. The above issue is relevant as the Policy H2 supporting text indicates at paragraph 5.39 that within the CNL, windfall housing proposals on undeveloped land adjoining built up areas will be particularly closely scrutinised. Such proposals will only be

- supported where there is convincing evidence of a specific local housing need such as identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site.
15. I must also bear in mind that Policy BC1 requires development beyond Burford and Charlbury to be limited to meeting local needs (including housing). Therefore, to fully comply with Policies BC1, OS2 and H2, convincing evidence of a specific local housing need relative to Stonesfield would need to be presented.
 16. The lack of a legal mechanism to secure the proposal as a self-build dwelling means that allowing this appeal could create a possibility for an open-market dwelling to be provided on the appeal site. I must therefore consider the proposal as such. The appellants have not provided evidence purporting a specific local housing need relative to Stonesfield beyond self-build and custom housing.
 17. However, extracts and documents relating to the emerging Draft Stonesfield Neighbourhood Plan (DSNP) are before me. It is unclear when a final Plan will be put forward for referendum and then made (if passed by referendum). I can therefore only afford the draft DSNP policies limited weight. It is nonetheless underpinned by some relevant background evidence pertinent to this appeal.
 18. The neighbourhood plan survey conducted in 2023¹ indicates that a notable number of people left Stonesfield in the previous five years due to lack of affordable housing to buy, or lack of suitable housing. “Affordable housing” does not appear to be precisely defined in this context and could therefore include what residents perceive as affordable housing to purchase on the open market.
 19. A small number of residents also expressed a desire to move within Stonesfield to purchase a property instead of renting, or as a first house. Purchase affordability and a lack of suitable housing, including type and size, also presents as a significant barrier for those who wish to move home within Stonesfield for more wider reasons.
 20. The Stonesfield Parish Council Housing Needs Assessment (HNA) (dated April 2024) also indicates that 100 properties were sold in Stonesfield since December 2018. This does not clarify whether these sales related to the existing housing stock or new-build dwellings, or if those who purchased these dwellings were local to Stonesfield. Given the above context, I do not view this number of recent private housing sales as a useful indicator of local housing demand being met.
 21. Furthermore, the HNA indicates that the two significant WOLP allocations of land for housing have now been built out. The DSNP and HNA refer to ten houses in Stonesfield, over multiple small or “windfall sites” sites, but there is little evidence before me regarding significant delivery of new-build dwellings in Stonesfield within the last several years. This is noteworthy because Stonesfield comprises a larger village for the purposes of the WOLP.
 22. In light of the above context, I conclude that the appeal proposal as an open market dwelling would meet a local housing need relative to Stonesfield and would comply with Policies BC1, OS2 and H2 in this respect.
 23. Turning to the landscape and visual impacts on the CNL, the Cotswolds is a rich mosaic of historical, social, economic, cultural, geological, geomorphological and

¹ Within the Stonesfield Parish Council Housing Needs Assessment dated April 2024

- ecological features. Policy EH1 of the WOLP refers to the Cotswolds Conservation Board's Management Plan. A more recent CNL Management Plan (2023-2025) has since been published, which identifies the special qualities of the CNL as including limestone grasslands and river valleys.
24. The proposal site and its surrounds is within the Limestone Wolds character area, as identified in the West Oxfordshire Design Guide (WODG) (2016). It describes the Limestone Wolds as undulating landscape cut into by rivers, to create picturesque winding valleys with contained views.
 25. The WODG advises that the character areas it identifies are identical to or amalgamations of those identified in the West Oxfordshire Landscape Assessment (WOLA) (1998). The WOLA classifies the appeal site as being in the Lower Evenlode Landscape Character Area. This area provides visual enclosure and a coherent valley character, and the appeal site is within the "semi-enclosed limestone wolds (large scale)" valley landscape type.
 26. Brook Lane is a relatively narrow and unmade no-through route. It forms part of a Public Right of Way (PRoW) route (ref: 312/1/20), popular for walkers and visitors and is one of the most well-used in Stonesfield. However, a dense tree line south of the existing appeal site access largely restricts views of the appeal site from the PRoW route.
 27. The site is identified in the DSNP as part of a wider parcel of local green space. The proposal site is in private ownership and there is no evidence before me to demonstrate a public right of access or recreation use. It nonetheless has some value in a landscape and visual sense as an undeveloped parcel of land, forming part of a wider grassed field at the end of a row of bungalows on the eastern side of Brook Lane.
 28. There is mature hedging and trees along the northern side boundary with the neighbouring bungalow of Evenlode. The eastern boundaries are only partially enclosed by shrubbery. The southern boundary line of the proposal site includes a small tree group, but is otherwise open. The field's topography declines noticeably to the east and also slightly south towards the River Evenlode valley, opening up views to rolling hills with hedged fields and wooded areas beyond. I therefore found the appeal site and its landscape setting to reflect the special qualities of the CNL and its locally designated character areas, as described above.
 29. The existing vehicular access to the site is at just before the delineation between the vehicular highway and the restricted PRoW route further south. The proposed plot size is large both in comparison to others in the vicinity, and in terms of the intended provision of one dwelling. Its frontage is however narrower than that of Evenlode and it is well screened from Brook Lane and where it transitions to a non-vehicular PRoW beyond. Its large plot size is therefore befitting of its village fringe location and thus does not amount to an ineffective use of land.
 30. Evenlode is also visible from within the appeal site. On the PRoW facing back uphill towards Stonesfield, I found fleeting views of two dwellings beyond the information sign adjacent the PRoW's western side. This gives a sense of arrival to the village.
 31. For the above reasons, the proposed plot forms a logical complement to the existing scale and pattern of development, as required by Policy OS2. A solid panel has recently been attached to the inside of the site's vehicular access gate. It is

unclear as to whether this has or requires planning permission from the District. Even if this panel were to be removed, views within the site from along Brook Lane would be fleeting. The close-range visual impact on the scenic beauty of the CNL along Brook Lane would therefore be very limited.

32. Further along the PRoW and across the Evenlode river, the PRoW inclines considerably and allows for expansive views of the valley landscape when looking back towards Stonesfield. Although the proposal site is at the top of the valley where it plateaus across the village, I found only very limited views of the rear (eastern) section of this site due to the undulating topography and intervening groups of mature trees. Such views are from the higher parts of the valley at substantial distance away from the proposal site, whereby I was also able to see some other roof forms amongst the mature tree groups.
33. The PRoW running beyond the southeast of the site (ref: 370/2/10) forms part of the Oxfordshire Way. Along the walking track that runs near to the southeastern field boundary (and which appears to broadly correlate with the PRoW map route before me), I found views of the appeal site to be effectively restricted by the intervening large open field's ridgeline where the land levels incline towards the village plateau. Some other roof forms are also visible along this PRoW route.
34. Given this context, and bearing in mind that the precise siting and scale of the dwelling would be subject to TDC, I am satisfied that the visual impact could be mitigated to an extent that would result in only limited visual harm.
35. For the above reasons, I conclude that the provision of one dwelling at this site would have a limited adverse visual impact. This impact, along with physical alteration of undeveloped land for residential use, would inevitably fail to conserve the landscape and scenic beauty of the CNL. These adverse impacts amount to conflict with Policies OS2 and EH2 of the WOLP. These policies require, amongst other things, new development to conserve and enhance the landscape and scenic beauty of the CNL and the quality of the District's natural environment.

Other Matters

36. I accept that potential loss of some "best and most versatile agricultural land"² cannot be discounted. The submitted evidence however indicates that the appeal site is not in active use as part of an agricultural holding, nor has such use been undertaken in recent years. This matter therefore does not amount to demonstrable harm in economic or other terms as set out in the National Planning Policy Framework (the Framework). Nor have I been directed to any specific local plan policy conflict in this regard. This matter thus does not amount to a reason to refuse permission in principle.
37. My attention has been drawn to an appeal dismissed in 2019 at land north of Woodstock Road, Stonesfield³, relating to a proposal for 68 Dwellings. Permission to apply for planning statutory review of that decision was dismissed in the High Court in September 2019⁴. However, that appeal proposal relates to "major development" in the context of what is now paragraph 190 of the Framework, whereby its footnote 67 defines major development as "a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a

² Defined in Annex 2 to the Framework as "Land in grades 1, 2 and 3a of the Agricultural Land Classification"

³ Appeal ref. APP/D3125/W/18/3209551

⁴ CO Ref: CO/3631/2019Y

significant adverse impact on the purposes for which the area has been designated or defined.”

38. From what I have seen and read, the appeal proposal does not amount to major development in the context of Framework paragraph 190. Therefore, unlike the Woodstock Road appeal, it is not necessary for me to consider whether there are exceptional circumstances to allow this appeal. The operative parts of Policies BC1, OS2 and H2 also do not refer to exceptional circumstances.
39. Circumstances also differ in that the Woodstock Road appeal decision was determined shortly after the WOLP’s adoption. We are now at the latter part of the plan period and the District’s housing land supply requirement has also materially changed. For the above reasons, the Woodstock Road appeal has therefore had little bearing on my determination of this appeal.
40. My attention has also been drawn to an appeal dismissed⁵ in August 2024 in respect of a full planning permission proposal for a self-build dwelling elsewhere in the district, at the village of North Leigh. There are however clear material differences when compared to the current appeal site in terms of locational characteristics and the District’s housing supply position. This cited example has therefore had no bearing on my determination of this appeal.
41. Interested parties have raised concerns in respect of impacts on ecology and infrastructure, including sewerage systems. However, such matters are for consideration at TDC stage. Allowing this appeal must not be construed as setting a precedent for other sites in the CNL. Each application must be considered on its own merits and site-specific circumstances.

Planning Balance

42. I have found conflict with Policies OS2 and EH2 of the WOLP in respect of adverse landscape and visual impact on the CNL. Statute⁶ requires me to seek to further the statutory purpose of conserving and enhancing the natural beauty of National Landscapes. This is also reflected in WOLP Policy EH1 insofar as it requires great weight to be given to conserving and enhancing the CNL’s natural beauty, landscape and countryside. I therefore conclude that the proposal conflicts with the development plan as a whole.
43. As required by Framework paragraph 78, the District should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing. This must be measured against its local housing need (LHN), as the strategic policies within the WOLP are more than five years old.
44. The officer report refers to two appeal decisions determined in early 2024⁷⁸ by means of public inquiry, which found the District’s housing land supply as being 4.38 years and 4.34 years respectively. The appellants refer to a more recent appeal⁹ determined in July 2024, also by means of public inquiry (“the Witney appeal”). The Inspector for the Witney appeal found the District’s housing land supply to be 4.29 years.

⁵ Appeal ref. APP/D3125/W/24/3341580

⁶ Section 245 of the Levelling-up and Regeneration Act 2023

⁷ Appeal Ref: APP/D3125/W/23/3331279 - Land south of Burford Road, Minster Lovell

⁸ Appeal Ref: APP/D3125/W/23/3332089 - Land West of London Lane, Ascott under Wychwood

⁹ Appeal Ref: APP/D3125/W/23/3328652 – Land west of Hailey Road, Witney

45. Since the above appeal decisions, the subsequent and latest version of the Framework, and PPG, has altered the standard method for calculating the LHN figure. Despite this, the District has not formally published its updated five year supply position, although it accepts that it cannot currently demonstrate a five year housing land supply.
46. This undersupply of housing means that the approach set out in paragraph 11d) of the Framework applies. This sets out that planning permission should be granted unless, as per paragraph 11d)i., the application of policies in the Framework that protect areas or assets of particular importance, including National Landscapes, provides a strong reason for refusing the development proposed.
47. The District also advises that the standard method for calculating LHN as outlined in the PPG now increases its LHN figure to 905 dwellings per annum (dpa). This indicates a significant increase in its LHN figure when compared to 570dpa with no buffer as was required by the 2023 version of the Framework. The District accepts that this likely increases its housing land supply shortfall. Comparing this increased LHN figure alongside the housing land supply tested under the Witney appeal, and in the absence of evidence before me to the contrary, I must assume that the District's current housing land supply shortfall is substantial.
48. The 2023 Housing Delivery Test (HDT) results published by the Government in December 2024 shows the District's HDT result as 146% (i.e. between the financial years of 2020-2023, there were 146% as many completions as the number of homes required). I accept that this HDT result indicates a good recent delivery performance across the District in more recent years, However, I have limited evidence before me of such an uplift of housing delivery in Stonesfield, which in turn limits the positive weight that I afford to this matter.
49. Moreover, the abovementioned appeal decisions indicate that the District's five year housing land supply shortfall has persisted for some time. It is put to me that single dwelling proposals should be afforded limited weight commensurate to their relatively small scale. I view such an approach as further hampering the delivery of housing to address the District's shortfall. Given the above context and the scale of the proposal, I afford moderate weight in favour to the provision of one new dwelling adjacent to the built up area of Stonesfield.
50. The proposal would provide a modest level of local employment during the construction phase and future occupiers of the dwelling would likely contribute towards the vitality of Stonesfield through direct expenditure and use of its nearby facilities, potentially including the primary school. I afford moderate weight to the economic and social benefits arising from this.
51. I have carefully considered the statutory duty related to NLS¹⁰. As set out in my above reasons, I have found that the landscape and visual impact on the CNL would be limited and would not amount to a strong reason to refuse permission in principle. It follows that this harm would not significantly and demonstrably outweigh the abovementioned benefits when assessed against the policies of the Framework.
52. Therefore, the presumption in favour of sustainable development applies and is a significant material consideration that weighs in favour of allowing the scheme. An

¹⁰ See footnote 6 above

appropriate design, layout, scale and landscaping scheme could be secured at TDC stage to respect the village character and local distinctiveness, as required by WOLP Policy OS2.

53. Whether or not the dwelling is delivered and occupied as a custom and self-build dwelling, this is not a substantive matter in this case, as it would not alter the above balancing exercise that I have undertaken. Under this context, Policy H5 of the WOLP falls away as a relevant or important policy for consideration.

Conclusion

54. For the reasons set out above, the proposed development would conflict with the development plan. However, material considerations justify making a decision other than in accordance with it. The appeal is therefore allowed.

R Cahalane

INSPECTOR