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# Appeal Decision

Site visit made on 15 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

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## Appeal Ref: APP/D3125/W/25/3362574

### Land to the south of Field House, Westhall Hill, Fulbrook OX18 4BJ

- 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 Dr Oliver Sharpley against the decision of West Oxfordshire District Council.
  - The application Ref is 24/02060/PIP.
  - The development proposed is erection of one infill dwelling and associated works and landscaping.
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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 to the south of Field House, Westhall Hill, Fulbrook OX18 4BJ in accordance with the terms of the application, Ref 24/02060/PIP.

### Preliminary Matters

2. In my above decision, I have taken the address from the appeal form rather than the application form. This is because the appeal form address provides some additional detail pertaining to the appeal site's location.
3. The 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.
4. 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. Therefore, whilst layout and elevation plans have been submitted, I must treat these as being indicative in nature. I have determined the appeal accordingly.

### Main Issue

5. 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

6. For the purposes of the West Oxfordshire Local Plan 2031 (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).
7. 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.
  8. The proposal site adjoins a row of dwellings to its east which are in Fulbrook, which is listed in the WOLP Table 4b settlement hierarchy as one of a number of villages. This site cannot be said to form part of the nearest rural service centre of Burford, due to the extent of intervening undeveloped land. There is little evidence before me to indicate whether or not Fulbrook forms one of the District's larger villages. 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".
  9. WOLP Policy H2 sets out that on undeveloped land within the built up area, new dwellings will be permitted provided that the proposal is in accordance with the other WOLP policies, in particular the general principles in Policy OS2. Supporting text to Policy H2 is silent in respect of how to assess whether a site is "within the built up area".
  10. The proposal site forms part of an undeveloped field. Beyond this retained open land to its west, dwellings along Westhall Hill are within significantly larger plots. These buildings are also sited notably further back from the highway and are generally well screened by mature trees and shrubbery along their site boundaries. I therefore felt a sense of leaving the village when walking along Westhall Hill past the proposal site. Based on this on-the-ground assessment, I conclude that the proposal site is not on undeveloped land within the built up area of Fulbrook.
  11. The appellant describes the proposal as a self-build dwelling, to be constructed on land under the appellant'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 appellant's 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.
  12. The above issue is relevant as 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. 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.
  13. Whilst supporting text does not have the same force as policy and cannot trump it, it is nonetheless relevant to its interpretation. 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 Fulbrook would need to be presented.
14. 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.
  15. The appellant has not provided evidence purporting a specific local housing need relative to Fulbrook beyond self-build and custom housing. There is no other evidence before me that demonstrates that a potential delivery of the appeal proposal as an open market dwelling would meet a local housing need relative to Fulbrook. In such a scenario, there would therefore be conflict with Policies BC1, OS2 and H2.
  16. I now turn to the specific locational characteristics of the site in respect of access to services and facilities. Fulbrook does not have a shop, although the appeal site is near to an employment business estate (Woodgrove Farm) and a public house (Carpenter's Arms). Public transport options are limited to an infrequent bus service serving the wider area.
  17. There is a significantly greater range of facilities and services at Burford, which has a defined town centre. Many of its shops appear catered towards tourism. However, I also noted that the northern section of its High Street nearest the proposal site contains a small supermarket, a post office, cafes, bakeries and clothes shops.
  18. Although there is no separate footway over the bridge crossing the River Windrush between Burford High Street and the appeal site, there is a demarcated strip alongside one side of its single carriageway. It is also traffic signal controlled and served by street lighting, with a pedestrian warning sign near to the bridge on the approach in to Burford. Whilst my site visit was only a snapshot in time, I observed pedestrians traversing the bridge. Based on all the above, and in the absence of an objection raised by Oxfordshire County Council Highway Authority, use of this bridge by pedestrians does not amount to an unacceptable highway safety risk.
  19. Past the bridge towards Fulbrook, the segregated footway recommences and continues towards the proposal site along the A361. The Westhall Hill highway route to the proposal site is narrower, unlit, and has no footway. This unsegregated section is however short and is subject to a 20mph speed limit. The majority of the overall route to Burford is also subject to a 20mph speed limit (with a relatively short 40mph section) and is also mainly served by street lighting.
  20. Although there is an uphill section from Burford to the site, for the above reasons I found this route to be safe and of reasonable distance to allow for everyday walking trips by a wide-ranging demographic. I am therefore satisfied that future occupiers of the proposed dwelling would have realistic transport alternatives for many everyday journeys beyond use of the private car.
  21. I therefore conclude that in terms of distance and access to Burford'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.

22. Turning to the landscape and visual impacts on the CNL, the Cotswolds is a rich mosaic of historical, social, economic, cultural, geological, geomorphological and 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.
23. 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. 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).
24. The WOLA classifies the appeal site as being in the Upper Windrush Valley landscape character area. The Windrush valley provides enclosure and a coherent valley character, with a distinctive landform and intimate character. The WOLA does not identify the site as being within a particular landscape type (LT). It is put to me that the site is within the semi-enclosed valley-side farmland LT as it shares similar characteristics to some nearby open land which the WOLA includes in this LT. The WOLA describes this LT as a distinctive sloping, valley-side landform with an enclosed character in terms of intervisibility along the valley sides.
25. I found views of the proposal site beyond its highway frontage to be mainly screened by mature shrubbery. The wider field inclines towards the elevated dwelling of Field House, and land to its south declines towards the River Windrush. The proposal site and its landscape setting therefore reflect the special qualities of the CNL and its locally designated character areas as described above.
26. The proposed plot width appears similar to those to the east and its rear boundary would align with this established row of dwellings. It would be possible to retain some meaningful views of the wider field alongside the proposal site, bearing in mind that appropriate design, layout, scale and landscaping could be secured at TDC stage. In these respects, provision of one dwelling does not amount to an ineffective use of land, and the plot forms a logical complement to the existing scale and pattern of development, as required by Policy OS2.
27. For the above reasons, I conclude that the provision of one dwelling within the proposed plot 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.
28. The PPG indicates that other statutory requirements may apply at the TDC stage such as the duty in Section 66(1) of the Listed Buildings and Conservation Areas Act 1990, as a reference to permission in principle was introduced by the Housing and Planning Act 2016. This requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
29. The District's Senior Conservation and Design Officer comments that the proposal site appears to have ridge and furrow of likely Medieval origin, and therefore could

be of historical and archaeological interest. A possible link to the Grade II Listed Westhall Hill Manor Farmhouse<sup>1</sup>, or at least part of its historical rural agricultural setting, is also raised. This Listed Building is of probable mid-17<sup>th</sup> Century origin. Its significance is derived in part from its stone coursed rubble elevations, stone mullion and stone finial detailing, and its prominent scale and elevation visible above the Windrush River bridge in Burford.

30. I found no visible evidence of ridge and furrow within the proposal site during my visit. There is also no demonstrable evidence before me, for example from local or national historic environment records, that the proposal site or its surrounds includes a scheduled monument or non-designated heritage asset of archaeological interest of equivalent or less significance to scheduled monuments. Mitigation measures, including a programme of archaeological investigation, recording and analysis as referred to in WOLP Policy EH15, could be secured at TDC stage, if considered necessary.
31. I am directed to a historic map dated 1875-1887 that indicates the proposal site to be surrounded by a large field. It appears that subdivision of this field has since been undertaken, along with construction of a row of non-historic dwellings to the east of the proposal site and a more dispersed number of non-historic dwellings to the west. The purported historic field pattern has therefore already been eroded to a significant degree. It would be possible to provide one dwelling within the appeal site without removal of hedgerows, trees or drystone wall.
32. The distance between the proposal site and Westhall Hill Manor Farmhouse, along with intervening dwellings, shrubbery and topography, restricts intervisibility between the sites. It would therefore be possible to provide one dwelling within the proposed plot in a manner that would not harm the special character of this Listed Building and preserve the contribution that its setting makes to its significance in functional and visual terms.
33. There are other Grade II Listed Buildings<sup>2</sup> within the immediate vicinity of Westhall Hill Manor Farmhouse. Even when considering these heritage assets as a group, for the above reasons my conclusion remains that there would be no harm to their special character and the contribution that their settings make to their significance.
34. The Grade II\* Listed Church of Saint James the Great<sup>3</sup> is of 12<sup>th</sup> Century Origin. Its significance is derived in part from its ornate stone mullion detailing, including on its prominent stone tower, and its function as a large historic church building and local landmark, within a peaceful setting adjacent fields and away from the main road.
35. I found the proposal site to be not visible from the Church grounds or the public right of way through the field beyond it, due to intervening buildings and shrubbery. Travelling further north along the Garne's Lane footpath, views of the proposal site are also restricted by shrubbery. It would therefore be possible to provide one dwelling within the proposed plot in a manner that would not harm the special character of this Listed Building and preserve the contribution that its setting makes to its significance in functional and visual terms.

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<sup>1</sup> List Entry Number: 1053494

<sup>2</sup> Bartholemews (List Entry Number: 1200094); Two barns approx. 60m N of Westhall Hill Manor Farmhouse (List Entry Number: 1053453); Pool and surround approx. 15m S of Westhall Hill Manor Farmhouse (List Entry Number: 1053452); Gazebo approx. 25m S of Westhall Hill Manor Farmhouse (List Entry Number: 1367727); Westhall Cottage and Pool House (List Entry Number: 1367728); Shepherds Cottage (List Entry Number: 1053454)

<sup>3</sup> List Entry Number: 1199969

36. I therefore conclude that it would be possible to provide one dwelling within the proposal site without harming the setting of a Listed Building, including historic landscape or townscape context, as required by Policies EH9 and EH11 of the WOLP. There would also be no harm to the historic character of the landscape or townscape, thus avoiding conflict with WOLP Policy EH13.

### **Other Matters**

37. I accept that potential loss of some “best and most versatile agricultural land”<sup>4</sup> cannot be discounted. Given the small size of the proposal site and its location near to the highway and a neighbouring dwelling, this matter 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.

38. My attention has been drawn to an appeal dismissed in 2019 at land north of Woodstock Road, Stonesfield<sup>5</sup> 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 2019<sup>6</sup>. However, that appeal proposal relates to “major development” in the context of what is now Framework paragraph 190, 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 significant adverse impact on the purposes for which the area has been designated or defined.”

39. 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, particularly given that the operative parts of Policies BC1, OS2 and H2 do not refer to exceptional circumstances.

40. 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.

41. Interested parties have raised concerns in respect of disruption during construction and wildlife impacts. However, such matters are for consideration at TDC stage. The appeal site and its existing singular access is purportedly used occasionally for parking for church and village events. There is no substantive evidence before me to indicate that loss of such temporary use would lead to a highway safety issue or any other significant harm to Fulbrook to warrant refusal of permission in principle.

42. Irrespective of whether or not the appellant already lives near to the proposal site and consulted neighbours prior to application submission, such matters do not amount to a reason to refuse permission in principle. Allowing this appeal must not be construed as setting a precedent for nearby land or other sites in the CNL. Each application must be considered on its own merits and site-specific circumstances.

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<sup>4</sup> Defined in Annex 2 to the Framework as “Land in grades 1, 2 and 3a of the Agricultural Land Classification”

<sup>5</sup> Appeal ref. APP/D3125/W/18/3209551

<sup>6</sup> CO Ref: CO/3631/2019Y

## Planning Balance

43. There is in-principle conflict with Policies BC1, OS2 and H2 of the WOLP, as the site is outside of the built up area of Fulbrook and a specific local housing need relative to Fulbrook has not been demonstrated. However, as I have found its location to have good access to Burford's more extensive facilities and services, I ascribe limited weight to this aspect of policy conflict.
44. I have found conflict with WOLP Policies OS2 and EH2 due to the adverse landscape and visual impact on the CNL. Statute<sup>7</sup> 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. This includes consideration of any harm to the contribution that the settlement makes to the scenic beauty the CNL. I therefore conclude that the proposal conflicts with the development plan as a whole.
45. 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.
46. The officer report refers to an appeal decision determined in early 2024<sup>8</sup> by means of public inquiry, which found the District's housing land supply as being 4.38 years. The appellant refers to a subsequent appeal hearing on 30 July 2024<sup>9</sup> where the main parties for that appeal agreed this 4.38 year supply as common ground.
47. Since the above appeal decisions, the subsequent and latest version of the Framework, and amended PPG, has altered the standard method for calculating the LHN figure. Despite this, the District has not formally published its updated 5 year supply position, although it accepts that it cannot currently demonstrate a five year housing land supply.
48. 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.
49. 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 abovementioned appeals, 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.
50. 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

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<sup>7</sup> Section 245 of the Levelling-up and Regeneration Act 2023

<sup>8</sup> Appeal Ref: APP/D3125/W/23/3331279 - Land south of Burford Road, Minster Lovell

<sup>9</sup> Appeal Ref: APP/D3125/W/23/3321908 - Land East of Worton Road, Middle Barton

homes required). I accept that this HDT result indicates a good recent delivery performance across the District in more recent years.

51. However, 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 at most 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 Fulbrook and within reasonable walking distance of Burford.
52. I have carefully considered the statutory duty related to National Landscapes<sup>10</sup>. Overall, I have found that the landscape and visual impact on the CNL would be limited and localised and would not amount to a strong reason to refuse permission in principle. This limited harm would thus not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.
53. Therefore, the presumption in favour of sustainable development applies and is a significant material consideration that weighs in favour of allowing the scheme. An 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.
54. Whether or not the dwelling is delivered and occupied as custom and self-build housing, 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**

55. 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

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<sup>10</sup> See footnote 6 above