



Appeal Decision

Hearing held on 17 December 2025

Site visit made on 17 December 2025

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2025

Appeal Ref: APP/D3125/W/25/3367995

**Thames Valley Police Station, Hensington Road, Woodstock, Oxfordshire
OX20 1JQ**

- 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 McCarthy & Stone Retirement Lifestyles Ltd against the decision of West Oxfordshire District Council.
 - The application Ref is 24/02755/FUL
 - The development proposed is described as the erection of retirement living accommodation with communal facilities, car parking, landscaping and a substation to serve the development.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under section 319A of the Town and Country Planning Act 1990, this appeal has been determined through a hybrid procedure. Issues related to the first reason for refusal on the Decision Notice were dealt with through written representations, whilst those relating to the second reason for refusal were dealt with at the Hearing. Interested parties were able to provide comments on all issues at the Hearing with the main parties able to respond.
3. Amended plans were submitted with the appeal. They proposed a change in the dormer form across the whole building. These changes would not affect the proposed building's overall size, use, number, or position of dormers, nor would they significantly alter its character or appearance. As such these proposed amendments are not considered a fundamental change to the scheme. All parties were notified of the appeal through formal consultation, in addition to the appellant's own public consultation. In line with the Wheatcroft Principles¹ and the Holborn judgement², I am satisfied that accepting the amended plans would not cause unfairness to any party.
4. Just prior to the Hearing the Council submitted a document (Doc1) clarifying what it considered to be factual inaccuracies within the final comments submitted by the appellant. This was discussed during the Hearing and the appellant given opportunity to respond. This has also been considered in this decision.

¹ established under *Bernard Wheatcroft Ltd v SSE* 1982

² *Holborn Studios Ltd v The Council of the London Borough of Hackney* 2018

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the local area;
- The effect of the proposed development on the setting of designated and non-designated heritage assets;
- The effect of the proposed development on the living conditions of occupants residing in Bear Close, with specific regard to privacy and outlook; and
- Whether the proposed development can provide adequately for affordable housing and essential supporting infrastructure.

Reasons

Site context and proposal

6. The appeal site is a former Police Station. It is located within a parcel of land which sits between Union Street, Hensington Road, Bear Close and Brook Hill. This parcel also includes a public car park, fire station, a care home and other single storey buildings including a community space and garages. Historically much of this land was used for the Workhouse, although all that now remains is a small memorial garden between the appeal site and Hensington Road.
7. This area is located to one side of Woodstock and represents a transitional space between the historic town centre and the later residential development along Hensington Road, Bear Close and Brook Hill.
8. The medieval core of Woodstock is centred around Oxford Street, Market Place and High Street, with the associated morphology of long, narrow burgage plots still largely intact. The early 18th Century brought the construction of Blenheim Palace and Park³, located on the opposite side of the town to the appeal site, and Woodstock enjoyed a significant uplift being the main service centre for that estate. It is clear this close physical, and social relationship between town and park has instructed the later development the town centre. With aggrandised buildings jostling for space along the main roads to the estate. This has created the strong character and an appearance defined by the cadence of relatively narrow, tall 3 storey terraces with ornate detailing lining the streets.
9. Thus, the town's urban character and somewhat ornate appearance was solidified and its architectural quality and historic interest forms the basis of its unique character and why the Woodstock Conservation Area (CA) was designated. This is also reflected by the multitude of designated and non-designated assets within the CA. Notably the grade II* Church of St Mary Magdalene on Park Street⁴ and Hope House on the junction of Oxford Road and Hensington Road⁵.
10. Union Street defines the edge of the town centre and the CA and is characterised by low order, more vernacular terraced cottages, and coach-house style dwellings. These are predominantly 2-storey with small subsidiary dormers set back in the

³ A grade I listed building and registered Park and Garden (references 1052912 and 1000434) and a Unesco World Heritage Site

⁴ reference 1262223

⁵ reference 1204018

roof. They infill the ends of the burgage plots stretching behind the grander buildings along Oxford Road. This change in building type is represented by the Old Malthouse, behind Hope House, and 2-4 Union Street, both grade II listed buildings⁶, and the short row of houses opposite 2-4 Union Street, which are locally listed (hereon known as the LLBs).

11. On the opposite side of the appeal site the character becomes more suburban with largely 2-storey detached and semi-detached dwellings located on Bear Close, and along Hensington Road and Brook Hill. This shows the progression of development in Woodstock through the 20th Century as largely residential.
12. The different character of the areas on either side of the appeal site further emphasises its transitional location, character, and appearance. Topographically the appeal site and car park are at the top of a brow with the land falling away towards Brook Hill. The care home is nestled into that slope. So, although visible from the site and car park, it has the impression of being similar in scale to the more suburban housing on Bear Close and Hensington Road. It is appreciated the building appears much more substantial when viewed from Brook Hill.
13. The site itself is largely laid to hard standing with a series of 1 and 2 storey buildings, broadly situated in an L shape centrally to the site. In some areas of landscaping to the front and rear of the site when viewed from Hensington Road and would share an access onto the road with the adjacent car park. The buildings are typical public service buildings, simple and functional with little design merit. This is also the case for the site layout with the positioning of buildings bearing little context to its surroundings. Due to the topography of the site, even though the buildings on the site are fairly modest, they can be seen for almost the entire length of Union Street.
14. The proposal would clear the appeal site and erect a large 3-storey rectangular building which would be positioned centrally in the site. It would be edged with areas of garden and landscaping, and there would be a 20-bay car park and new substation to the front. The building would be articulated and finished in a mix of materials with varying eave heights, a mix of pitched dormers and gables, and a series of protruding balconies over ground floor terraces. The building would provide 29 1- and 2-bedroom apartments, accessible from central hallways with a communal lounge.

Character and appearance

15. As identified above, the immediate area around the appeal site has a varied and functional appearance and mixed transitional character defined by the various edge-of-town services surrounding it. However, the suburban and relatively coherent residential development from Bear Close onwards creates a strong character and appearance, as does the historic urban core and CA.
16. The size of the appeal building is significantly larger in length, width, and height than other buildings in the immediate vicinity. This would create an obvious physical bulk and mass which, due to the local topography and lack of screening development, due to the car park, would be clearly visible from the locality, overwhelming its surroundings.

⁶ references 1368016 and 1252575

17. It is recognised that attempts to visually reduce the size of the building have been made by proposing articulating the main elevations, mixing materials, and altering roof heights to give the impression of a terrace of individual properties rather than a singular building. However, this has led to a somewhat contrived design which has attempted a mix of 3 storey urban townhouses with more suburban 2 storey cottages. In effect the design would isolate the building from fully aligning with either the historic urban core of Woodstock or the residential suburbia of Bear Close and beyond. Thus, failing to either be complementary or in-keeping with its surroundings causing harm to both the character and appearance of its surroundings.
18. The awkwardness of the proposed treatment is further compounded by the lack of traditional features, such as visually obvious front doors, and the introduction of features such as balconies which do not form part of the local design pallet.
19. The transitional location of the appeal site is noted, but by trying to align the proposal to multiple surrounding styles would serve draw attention to the building's bulk, height, mass, and lack of integration with its surroundings.
20. It is recognised that Ashford Close, as a nearby infill development, has been designed to integrate into the historic town centre by taking design cues from it. However, as the appeal site is physically separated from the town centre by the intervening car park, fire station etc, I do not find the sites comparably located and so a similar design treatment is not necessarily the most appropriate for the appeal site.
21. The mass and bulk of the existing care home is noted; this simply serves to recommend the need for careful design when consider large bulky buildings.
22. Therefore, due to is size, awkward design and relatively prominent location, the proposal would cause significant harm to the character and appearance of the local area. It would fail to comply with West Oxfordshire Local Plan (LP) Policies OS2 and OS4 insofar as they seek new development to form a logical complement to and respect, the local character and appearance. It would also fail to comply with LP Policy H2 which requires adherence to Policy OS2 and well as not adhere to the guidance in the West Oxfordshire Design Guide Supplementary Planning Document (SPD) as far as is seeks new development to take account of its context.

Heritage assets

23. From the information before me, it is evident the site has long been detached from the medieval morphology and the 18th Century revitalisation of Woodstock. It is not therefore a site of importance when considering the setting of the identified designated and non-designated heritage assets. However, the redevelopment of that site could still have an effect on the setting of the nearest assets due to the significant change in visual impact the proposal would have. Therefore, it is necessary to consider the impact of the proposal on the setting of the CA, 2-4 Union Street, and the LLBs.
24. Although glimpses of the site may be possible from the upper parts of some of the other identified heritage assets, I do not consider there to be such a visual or physical relationship between the appeal site and those assets that redevelopment of the site would affect their setting.

25. With this in mind, special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) must be given. And Paragraph 213 of the National Planning Policy Framework (the Framework) establishes the need to consider the impact of development on the setting of designated heritage assets.
26. As identified above the proposed development would have a significantly harmful impact on the character and appearance of the local area. However, its impact on the setting the CA, 2-4 Union Street and the LLBs, would be minimal as the intervening existing development has already eroded the context of those assets. Nevertheless, the sheer bulk and incongruity of the proposed design in its attempt to align, in part, with the appearance of those heritage assets would have a negative impact on their setting.
27. Accordingly, I find the proposal would fail to preserve the setting as part of the significance of the CA and 2-4 Union Street. It would also have a negative indirect effect on the LLBs as non-designated heritage assets.
28. The Council has referred to the Draft CA Character Appraisal, especially in relation to the proposed conservation area extension along Hensington Road past the appeal site. However, the Council's Conservation and Design Officer⁷ has confirmed that although largely complete, it has not been reviewed, validated, or adopted. Therefore, whilst a useful source of information relating to why the area is significant, as an emerging document, it carries very limited weight and at this stage the proposed extension does not attract the same protection as the areas already within the CA.

Living conditions

29. The rear gardens of Nos 3-8 Bear Close back onto the appeal site. The proposed new building would be set further back from the shared boundary than the current buildings but would be significantly taller and much larger. The elevation facing Nos 3-8 would be 2 and 3 storeys and provide windows for 12 flats, the communal room, and the guest room.
30. Currently, and when the appeal site was in use, overlooking of Nos 3-8 was limited. It is also acknowledged that the proposed ground floor windows would largely be screened by the intervening boundary treatment and proposed landscaping. However, the elevation facing Nos 3-8 also has windows for 9 first and second floor flats. 7 of which are single aspect, 4 have access to balconies and all of which would have uninterrupted views over the gardens and towards the rear elevations of Nos 3-8.
31. It is appreciated that the appellant has calculated the separation distance between the opposing elevations of the proposed new building and Nos 3-8 as 31.1m to 39.7m. therefore the new dwellings would unlikely be able to see into the rear windows of Nos 3-8. However, the volume of new dwellings which would have near complete views across the gardens from both windows and balconies would create a significant and permanent increase in overlooking. This would remove almost entirely the privacy of the rear gardens in question and to the detriment to the living conditions of the occupants of Nos 3-8.

⁷ Appendix FC.1b of the Council's Final Comments dates 5 December 2025

32. It is noted the appellant considers the average occupancy of 1 and 2 bed flats like those proposed as 1.217 and 1.315 persons, respectively. However, there is no mechanism to limit occupation. Therefore, it is necessary to consider the impact if the flats are fully occupied especially when the majority of the flats in question only have views over Nos 3-8's gardens.
33. The size of the proposed building would also be significantly larger and visually more obvious than the existing buildings. This would alter the outlook from the Bear Close properties. However, as a reasonably built-up area, it is not unusual for development to be visible from garden spaces. Taking this into account and the separation distance between the proposed building, site boundary and the properties in question, the effect on outlook would not be so intrusive as to making living in Nos 3-8 untenable. Nevertheless, this does not mitigate the unacceptable impact on the privacy the proposal would have.
34. Accordingly, the proposal would cause significant harm to the living conditions of the occupants of 3-8 Bear Close with specific regard to privacy. It would therefore fail to comply with LP Policies OS2, OS4 and H2 insofar as they seek to protect the living conditions of those in residential properties.

Affordable housing and essential supporting infrastructure

35. As new residential development, LP Policy H3 requires the provision of affordable housing or contributions towards such housing, and LP Policies T2 and T3 contributions towards highway improvements and public transport. Whilst LP Policy OS5 seeks provision towards strategic infrastructure, and non-strategic infrastructure requirements including those associated with an individual proposal.
36. At the Hearing, the main parties agreed that the proposal could provide adequate contributions towards highway improvements, household waste and recycling centres, primary health care provision, public art, and affordable housing, whilst remaining viable. With nothing before me to conclude otherwise I am satisfied these contributions are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
37. The appellant has submitted 2 completed and signed Unilateral Undertakings (UUs), one with the Council and one with Oxfordshire County Council. In both instances they have worked closely with both Councils to ensure the UUs would be acceptable. In combination and, again with nothing to the contrary before me, I am satisfied these would secure the necessary obligations.
38. The proposed development would therefore be able to provide adequately for affordable housing and essential supporting infrastructure. It would comply with LP Policies OS5, H3, T2 and T3 as far as they seek to secure necessary and appropriate contributions of this nature.

Other Matters

39. Public concern regarding the use of the appeal site for a surgery are noted. However, within LP Policy EW10, it is clear that only consideration is to be had for the appeal site as a location of a new surgery. It has not been specifically allocated for such a use. The Council confirmed at the Hearing, and it is evident from the written submissions, that the site has been discounted as being suitable for a GP surgery by the NHS board.

40. The main parties have agreed in the Statement of Common Ground that the proposal would be able to provide the 10% Biodiversity Net Gain (BNG) required by the Biodiversity Net Gain Regulations, and this could be secured by the application of the associated condition.
41. The appellant has drawn my attention to 6 appeals⁸ in relation to 5-year housing land supply for the district, and the weight that should be giving to various aspects of the proposal in the planning balance. These have been considered.

Heritage and Planning Balance

42. Less than substantial harm has been identified in relation to the CA and the listed building 2-4 Union Street. This would, however, be of a very low order. Nevertheless, Paragraph 215 of the Framework states that in the case of less than substantial harm this weight should be weighed against the public benefits of the proposal. Further Framework Paragraph 216 requires a balanced judgement with regard of any harm or loss and the significance of non-designated heritage assets, the LLBs.
43. At the Hearing, the Council also confirmed that the latest assessment for housing land supply is 4.3 years, and this deficit is likely to increase significantly.
44. It is recognised that the proposal would provide specialised housing for older people, and as identified in Paragraph 61 the Framework seeks to boost significantly the supply of housing, with Paragraph 63 identifying older people as a group whose needs should be established. The appellant considers there to be an unmet need for this demographic in the district, and the proposal would provide 29 apartments. They would be located in an accessible location on previously developed land. The proposal would also contribute to affordable housing, assessed by the Council to equate to approximately 1 new dwelling, along with other infrastructure and service. Therefore, in combination with the Council's housing land supply deficit, these public benefits would attract significant weight.
45. The appellant has also stated the proposal would have community and health benefits for future occupants and the local economy. This would be by attracting new residents to the area and freeing up housing when the new occupants sell to purchase one of proposed dwellings. However as public benefits these attract only limited weight due to their reliance on the actions of future occupants. Limited weight would also be attributed to the environmental benefits of the proposal as they are limited to modern energy efficient construction methods, and the proportionally small amount of landscaping and BNG proposed.
46. Nevertheless, taking these public benefits into account I find they would outweigh the identified less than substantial harm to the designated heritage assets and the indirect harm to the identified non-designated heritage assets. In relation to heritage matters the proposal would therefore comply with the Act, the Framework and LP Policies OS2, OS4, H2, EH9, EH10 and EH11 insofar as they seek to protect the historic environment of the area.
47. Taking this into account, the Framework's heritage policies do not provide a strong reason for refusing the development proposed and so, due to the Council's lack of

⁸APP/N1730/W/20/3261194, APP/H1840/W/22/3291830, APP/D3125/W/23/3321908, APP/D3125/W/23/3331279, APP/D3125/W/24/3344330, and APP/D3125/W/24/3351969

5 year housing land supply, it is necessary to undertake the planning balance set out within Framework paragraph 11d)ii.

48. However, although the heritage harm is found to be outweighed by the public benefits, this does not remove the harm from the proposal. And in accordance with Paragraph 212 of the Framework this attract great weight. Further the Framework is clear that housing provision should not come at the cost of good design both in terms of character and appearance and the impact on the living the conditions of existing residents, both of which attract significant weight in this case. Moreover, good design is a key aspect of sustainable development. Therefore, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Conclusion

49. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

ADDITIONAL SUBMISSIONS

DOCUMENTS:

Doc1	Corrections to the Appellant's Final Comments Documents (17.12.2025)	West Oxfordshire District Council
------	---	--------------------------------------

APPEARANCES

FOR THE APPELLANT:

Miss Rachel Clare	BSc(Hons) MSC	Principal Planning Associate Planning Bureau Ltd
Mr Kenneth Brown	BSc(Hons) MA MRTPI	Director Townscape Solutions
Mr Graham Keevill	BA(Hons) FSA MCIFA	Director Keevill Heritage
Mr Robert Walton	Kings Counsel	

FOR THE LOCAL PLANNING AUTHORITY:

Mr Christ Wood	BA(Hons) (Maths) PG Dip TP	Senior Planner West Oxfordshire District Council
----------------	----------------------------	---

INTERESTED PARTIES:

Cllr Elizabeth Poskitt		Woodstock Town Council
Mrs Sally Stroman	BA(Hons) BTP MRTPI	Associate Director Maroons <i>for Woodstock Town Council</i>