



Appeal Decision

Site visit made on 9 December 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/Q3115/W/25/3370732

Fords Yard, Menmarsh Road, Worminghall, Oxfordshire HP18 9UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Midwest Construction Ltd against the decision of South Oxfordshire District Council.
- The application Ref P24/S3418/S73, dated 24 October 2024, was refused by notice dated 12 February 2025.
- The application sought planning permission for change of use of a scrap yard for the storage and distribution and small scale production of pre-cast concrete products, the erection of buildings, storage of plant and equipment, area of hardstanding, wheel wash, perimeter fencing, lighting and improvements to existing access without complying with conditions attached to planning permission Ref P20/S1104/FUL, dated 27 January 2023.
- The conditions in dispute are Nos 1, 2 and 3 which state:
 - (1) That the development hereby approved shall be carried out in accordance with the details shown on the following plans, 500 Rev P3, GPP-MWF-WB-19-05 Rev 2, 550_P1, 550_P2, GPP-MWF-WB-1906, GPP-MWF-WB-19-08, GPP-MWF-WB-19-07, GPP-MWF-WB-19-11, GPP-MWF-WB-19-02, GPP-MWF-WB-19-03, GPP-MWF-WB-19-01, GPP-MWF-WB-19-04, GPP-MWF-WB-19-09 v2 and GPP-MWF-WB-19-10 v2, except as controlled or modified by conditions of this permission.
 - (2) The concrete hardstanding and all associated materials within the 15m buffer zone on the rear boundary with the ancient woodland (south western boundary) and lighting column on the same rear boundary shown to be removed as detailed on drawing np GPP/MWF/F/WB/19/05 REV 2 accompanying the application shall be removed from the site within 6 months of the date of this decision, and this provision shall apply unless an alternative scheme for the phased removal of the concrete and lighting column and removal of materials is first submitted and approved in writing by the local planning authority.
 - (3) Within 6 months of the date of this decision, a scheme for the landscaping of the 15m buffer zone on the rear boundary with the ancient woodland (south western boundary) to include details of seed mix and planting schedule, future management of the buffer zone, and provisions of knee rail to demarcate the buffer zone from other areas of the site and prevent encroachment of development shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented within 3 months of approval of the landscaping scheme (within no more than 9 months of this decision) and shall thereafter be maintained in accordance with the approved scheme.
- The reasons given for the conditions are:
 - (1) To secure the proper planning of the area in accordance with Development Plan policies.
 - (2) To ensure satisfactory comprehensive development and protect the ancient woodland in accordance with Policies DES1, DES2, ENV1, ENV2 and ENV3 of the South Oxfordshire Local Plan 2035.
 - (3) To help to assimilate the development into its surroundings and protect ancient woodland in accordance with Policies ENV1, DES1, DES2, ENV2 and ENV3 of the South Oxfordshire Local Plan 2035.

Decision

1. The appeal is allowed and planning permission is granted for change of use of a scrap yard for the storage and distribution and small-scale production of pre-cast

concrete products, the erection of buildings, storage of plant and equipment, area of hardstanding, wheel wash, perimeter fencing, lighting and improvements to existing access at Fords Yard, Menmarsh Road, Worminghall, Oxfordshire HP18 9UP, in accordance with application Ref P24/S3418/S73 without complying with condition 1 (approved plans) and removal of condition 2 (demolish specified buildings) and condition 3 (landscaping of buffer zone and implementation) previously imposed on planning permission Ref P20/S1104/FUL subject to the plans 500 Rev P3, 550_P1, 550_P2, GPP-MWF-WB-1906, GPP-MWF-WB-19-08, GPP-MWF-WB-19-07, GPP-MWF-WB-19-11, GPP-MWF-WB-19-02, GPP-MWF-WB-19-03, GPP-MWF-WB-19-01, GPP-MWF-WB-19-04, GPP-MWF-WB-19-09 v2, GPP-MWF-WB-19-10 v2 and GPP-MWF-WB-24-05.

Preliminary Matter

2. The production and storage of pre-cast concrete products on the site was granted planning permission in 2023. The appellant is seeking to vary the plans condition imposed on the original planning permission and to remove conditions that require removal of some hardstanding and buildings and implementation of a landscaped buffer between operations on site and the neighbouring ancient woodland.

Main Issue

3. The main issue is the effect that varying condition 1 and removing conditions 2 and 3 would have upon an ancient woodland.

Reasons

4. The appeal site is occupied by a company that produces pre-cast concrete products for use in the construction industry. The site extends from the Menmarsh Road frontage to Waterperry Wood, which is an ancient woodland that extends to the southwest. The rear boundary of the site flanks the woodland for a distance of around 70m. The entire site is laid over to hard surfacing and accommodates a number of machines, structures and temporary buildings associated with the casting and curing of concrete. The site is enclosed by palisade fencing creating a hard and well-defined boundary.
5. Ancient woodland are irreplaceable and in this regard paragraph 193 c) of the National Planning Policy Framework (the Framework) states that development resulting in the loss or deterioration of ancient woodland should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
6. Standing Advice in relation to planning applications in respect of ancient woodland is provided by Natural England and the Forestry Commission. This sets out that there must be wholly exceptional reasons to approve development which would lead to the deterioration of ancient woodland. The guidance does not define deterioration but includes a list of direct and indirect effects that they consider can lead to it.
7. Direct effects include damaging roots and understorey; damaging or compacting soil; increasing levels of air and light pollution, noise and vibration and changing the water table or drainage. Indirect effects include reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species; increasing the amount of dust, light, water, air and soil pollution; increasing disturbance to wildlife, such as noise from

additional people and traffic; increasing damaging activities such as by people accessing the woodland or tree root protection areas.

8. The Standing Advice reflects the Framework and the Planning Practice Guidance and is intended to direct decision makers as to how development impacts should be assessed in relation to ancient woodland. The Standing Advice sets out that buffer zones can protect ancient woodland and its size and type should vary depending on factors including the scale and type of development and its effects and the character of the area. It states that ancient woodland proposals should have a buffer zone of at least 15m.
9. That said, the recommendation for a buffer zone is not planning policy nor a statutory requirement but rather guidance. Its wording infers a degree of flexibility. In my view development within it does not automatically equate to harm. It is a matter of best judgement depending on the particular circumstances and merits of the case.
10. I have been made aware of the planning history for the site which includes use of the site for the dismantling and storage of motor vehicles dating back to the late 1960s. From the available information, including the photographic evidence provided by the appellant, it appears that the site has been used for commercial activity and laid out to hard surfacing for a considerable number of years. In terms of site coverage, prior to the appellant's involvement with the site, vehicles were stored in very close proximity to the ancient woodland and the ground was made up of tipped inert waste surfacing including soil, hardcore, brick, stone and tarmac planing. In one form or another commercial activity and hard surfacing has co-existed alongside the ancient woodland for a considerable period of time.
11. The area closest to the ancient woodland was not undeveloped land nor an undisturbed habitat but rather comprised tipped inert waste surfacing and stored vehicles prior to it being formed of a concrete layer. There is nothing to suggest that this area provided an important dispersal or feeding habitat for woodland species. The existing palisade fencing forms a suitable barrier preventing human and operational activities from extending into the ancient woodland creating a clearly defined and robust boundary between the two. The Council has not provided any substantive evidence that the operations on site and the proximity of the nearest buildings are causing any direct or indirect harm to the neighbouring ancient woodland resulting in its deterioration.
12. Despite the Council suggesting otherwise there is no compelling evidence that the concrete layer has harmed the rooting environment or the health of trees in the ancient woodland. Having regard to the appellant's Arboricultural Impact Assessment the Root Protection Area of the identified trees lie outside of the site. These trees are in a reasonable condition and there is nothing to suggest that the current use of the site has resulted in or is resulting in their degradation. Whilst the concrete layer is not impervious the design of the drainage system prevents run off towards the woodland.
13. For the above reasons I conclude that varying condition 1 would be acceptable and that conditions 2 and 3 are not necessary and their removal would not conflict with Policies ENV1, ENV2 and ENV3 of the South Oxfordshire Local Plan (2020) which, amongst other things, seek to protect the area's ancient woodland and biodiversity against harmful development.

Other Matters

14. Whilst the Council have commented that the fencing enclosing the site is not acceptable this does not form part of the matters under consideration of this S73A appeal. As such, I have not addressed this issue in my decision.

Conclusion

15. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR