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## Appeal Decision

Site visit made on 13 January 2026

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

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**Appeal Ref: APP/C3105/W/25/3371458**

**Reynards Lodge, North Lane, Weston On The Green, Oxfordshire OX25 3RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr & Mrs Gerald Bushby against the decision of Cherwell District Council.
- The application Ref 25/00449/REM sought approval of details pursuant to conditions Nos 1, 2, 3, 5, 7 and 8 of a planning permission Ref 24/00804/OUT, granted on 11 June 2024.
- The application was refused by notice dated 7 August 2025.
- The development proposed is described as All Reserved Matters: Access (with Construction Traffic Management Plan), Layout (with part Drainage), Scale, Appearance, Landscaping, Biodiversity (with Construction Environment Management Plan).
- The details for which approval is sought are access, layout, scale, appearance and landscaping.

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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. As the proposal is in a conservation area, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area, and whether it would preserve or enhance the character or appearance of the Weston on the Green Conservation Area (the CA); and
  - the effect of the proposed development on the living conditions of future occupants with regard to outlook and daylight/sunlight.

### Reasons

#### *Character and Appearance including the CA*

4. The appeal site currently forms part of a residential garden associated with Reynards Lodge. It currently contains a tennis court, decorative landscaping as well as outbuildings. It is located within the CA and in particular the Farms Character Area (the FCA).

5. Section 72(1) of the Act outlines that, in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance.
6. The significance of the CA is derived from its rich architectural and historic background, including approximately 33 listed buildings within the village of Weston on Green, the majority of which date between the 17<sup>th</sup> and 18<sup>th</sup> Century.
7. The FCA is described in the Weston on the Green Conservation Area Appraisal 2009 as predominantly residential and that the character of North Lane is relatively open. North Lane is predominantly characterised by 17<sup>th</sup> and 18<sup>th</sup> Century buildings however there are a few infill properties which were constructed in approximately the late 20<sup>th</sup> Century.
8. A previous appeal decision<sup>1</sup> on the appeal site has been highlighted in the evidence before me. I note that the Inspector in that decision focused upon a condition relating to a height restriction. The decision outlined that given the limited glimpses of the appeal site, taller dwellings would not be overly prominent.
9. Nevertheless, the Inspector in that appeal highlighted that matters relating to footprint and the detailed design of the proposed dwellings would be for any future reserved matters applications such as the appeal before me.
10. Given that layout and scale were reserved matters for the original outline application, it is at this stage in the process that they are considered explicitly due to their inclusion in the reserved matters subject of this appeal. Consequently, whilst I acknowledge the frustration of the appellant regarding previous comments in relation to these matters, it remains that they are both assessed at this stage of the process and thus within the scope of the appeal before me.
11. I do not have the full circumstances of dwellings at 3 Shepherds Close or North View. Therefore, I cannot be certain that they are wholly comparable to the appeal scheme. Notwithstanding this, each application is determined on its own merits. However, given the presence of other dwellings of a similar height in the surrounding area such as 4 Shepherds Close, Meadow View, Peckers Corner, Summer Court and Normandy, the proposed height of the dwellings on Plot 1 and 2 would not, in isolation, result in harm to the wider character and appearance of the area nor the CA.
12. I acknowledge, that the appellant has reduced the footprint of the appeal scheme in comparison to the scheme that was assessed as part of the previous appeal decision. Nevertheless, it remains that the relatively large footprint of the dwellings on Plots 1, 2 and 3 and the proximity of the dwellings to each other in conjunction with the proposed heights of Plots 1 and 2 would, in my planning judgement, result in a cramped development spatially within the appeal site.
13. Regarding the design of other dwellings such as Meadow View and Gallows Brook Way, I do not have the full circumstances of these. Consequently, I cannot be certain that they are wholly comparable to the appeal scheme before me. Nevertheless, each application is determined on its own merits and given the proposed layout of the appeal scheme they do not lead me to a different conclusion.

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<sup>1</sup> Planning Appeal Reference: APP/C3105/W/22/3295234

14. Considering Plot 4 of the appeal scheme, the conversion of the existing barn and the addition of a modest extension would assimilate with the wider character of the area, especially given the choice of external materials.
15. Whilst I acknowledge the densities of other plots near to the appeal site such as Sycamore House, Meadow View and development referred to at Southfield Farm, each case is determined on its own merits. I also note reference to an application for residential development in relation to the notable view from North Lane across the Duck Pond within the evidence before me. However, I do not have the full circumstances of other existing or proposed development close to the appeal site and therefore cannot be certain that they are wholly comparable to the appeal scheme before me.
16. The views of the appeal site from North Lane are limited given the prominent linear development along the lane. Thus whilst, there would be restricted views of the proposal it would not, to my mind, result in harm to the overall open character of the wider area visually nor dominate views within the CA. Nevertheless, for the reasons given above it remains that spatially the appeal scheme would, to my mind, be cramped and incongruous within the CA.
17. Additionally, the proposal would result in a number of parking bays directly adjacent to the access road. However, there is an absence of adequate pedestrian routes within the site and therefore to my mind, the parking dominates aspects of the design of the proposal. Consequently, this would conflict with the aims of the Cherwell Residential Design Guide Supplementary Planning Document 2018 (the SPD) regarding successful streets. It outlines that the design of new developments should prioritise placemaking rather than vehicle movements as well as create welcoming and safe spaces to walk and cycle. Consequently, parking amongst other things should be accommodated within developments rather than dominate them.
18. Given that the FCA is described as predominantly residential, the layout of the buildings in the farmyards have retained an agricultural context due to their openness and design. Therefore, regarding the inclusion of block paving in the appeal scheme, whilst there may be an example of its use at Village Farm Court, I do not know its full circumstances. Nevertheless, each case is determined on its own merits. As such, block paving is not, to my mind, a prominent material used within the surrounding area or the CA and thus, its inclusion in the proposal would detract from the character and appearance of the surrounding area including the CA.
19. Regarding the inclusion of rooflights on principal elevations and enclosed porches in the appeal scheme, there are examples of rooflights in the surrounding area some of which are located on principal elevations. Consequently, whilst I acknowledge the guidance in the SPD, their addition on the dwellings as part of the appeal scheme would not, to my mind, result in unacceptable harm to the character and appearance of the surrounding area nor the CA.
20. Similarly, regarding, the porches, whilst these are not a prominent characteristic within the street scene, there are examples in the surrounding area of porches. Therefore, given they would be modest in scale, in my planning judgement, they would not detract from the overall character of the area nor the CA.

21. The proposed fencing as part of the appeal scheme would not to my mind result in unacceptable harm to the character and appearance of the surrounding area given that the proposed landscaping would soften its appearance.
22. Nevertheless, given all of the above, it remains that the large footprints of Plots 1, 2 and 3 which for Plots 1 and 2 would be exacerbated by their proposed heights, would result in a cramped form of development. Additionally, that the proposed parking would dominate the overall design of the development and the inclusion of block paving would be generally incongruous with the character and appearance of the surrounding area as well as the CA. Consequently, the appeal scheme would result in unacceptable harm to the character and appearance of the surrounding area as well as the CA.
23. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation.
24. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and this should have a clear and convincing justification. The appeal scheme would fail to preserve the significance of the CA and given its scale, I find the harm to be less than substantial but nevertheless of considerable importance and weight.
25. Under such circumstances paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
26. The appeal scheme would provide four dwellings and contribute to the housing stock within the District. It would provide a public benefit, albeit modest due to the relatively small scale of the proposal.
27. A lack of objection from the Highways Authority and the Conservation Officer regarding layout are neutral factors and do not alter my assessment above.
28. Thus, a clear and convincing justification has not been provided and taking the stated benefits above, the harm that would be caused to the significance of the CA would not be outweighed by public benefits.
29. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would result in an incongruous design that would be at odds with the original character of the surrounding area. Therefore, as a result, the appeal scheme would fail to preserve or enhance the character or appearance of the CA. This fails to satisfy the requirements of the Act, paragraph 213 of the Framework and conflicts with Policy ESD15 of the Cherwell Local Plan 2011-2031 (the CLP), Policies C28 and C30 of the Cherwell Local Plan 1996 (the CLP 1996) as well as Policies E1, H2, H4 and C4 of the Weston-on-the-Green Neighbourhood Plan 2018-2031. These policies seek, amongst other things, to ensure that developments are sympathetically designed to assimilate with the surrounding area, contribute positively to an area's character and identity by reinforcing local distinctiveness as well as conserve, sustain and enhance designated heritage assets.
30. It is for the same reasons that the appeal scheme would also fail to accord with the aims of the SPD regarding design.

### *Living Conditions*

31. The SPD is not part of the development plan however it is capable of being a material consideration. The Framework outlines an SPD as a document which can add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design.
32. The SPD outlines that first-floor habitable rooms should not be within seven metres of a neighbouring property. Whilst I acknowledge that the SPD refers to the seven metre distance under the subheading of Amenity Space, it clearly refers to first floor habitable room windows and neighbouring dwellings. Consequently, in my planning judgement, the seven-metre requirement is relevant to the living conditions of future occupants regarding outlook as well as daylight/sunlight.
33. The first-floor habitable room window of bedroom 2 of the proposed dwelling on Plot 2 would be less than seven-metres from the side of the proposed dwelling on Plot 1. Consequently, in my planning judgement, this aspect of the appeal scheme would not accord with the aims of the SPD and would result in unacceptable harm to the outlook and daylight/sunlight for future occupants using the habitable room in Plot 2 due to the proximity between the dwellings.
34. In conclusion, the appeal scheme would result in unacceptable harm to the living conditions of the future occupants of the proposed dwelling on Plot 2 regarding outlook as well as daylight/sunlight. It therefore would conflict with Policy ESD15 of the CLP and Policy C30 of the CLP 1996 insofar as they seek to ensure that new development considers the amenity of future occupants including matters relating to outlook and daylight/sunlight.
35. It would also fail to accord with the aims of the SPD for the same reasons given above regarding the living conditions of future occupants.

### **Other Matters**

36. The Council is able to demonstrate a housing land supply of 3.1 years. This is below the housing land supply the Council is expected to deliver in line with the Framework. Whilst the proposal would deliver several units this would nonetheless boost the housing stock in circumstances where there is a shortfall.
37. The appeal site is within approximately 2km of the Weston Fen Site of Specific Scientific Interest (SSSI). I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the SSSI. However, as I am dismissing the appeal for the reasons given above, I do not need to conduct any further assessment in relation to the SSSI.
38. I am aware that the site is proximate to the Grade II listed building 'Westfield Cottage'. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving its setting. Westfield Cottage is adjacent to the appeal site. The special interest and significance of Westfield Cottage derives in part from its architectural interest and its historic fabric dating from approximately the late 17<sup>th</sup> Century. Notwithstanding that the appeal site is near to Westfield Cottage, and there is some intervisibility between the two, in my judgement, the appeal proposal would preserve the setting of Westfield Cottage,

the significance of which would not be harmed. A lack of harm in this respect, however, does not alter my conclusions.

39. The appellant has expressed general dissatisfaction with the Council's handling of the application and the approach to decision taking as set out in the National Planning Policy Framework. However, it has no bearing on my determination of the appeal.

### **Planning Balance**

40. As set out above, the appeal scheme would result in harm to the character and appearance of the surrounding area as well as fail to preserve or enhance the character or appearance of the CA. Additionally, it would result in unacceptable living conditions for future occupants with regard to outlook as well as daylight/sunlight.
41. The appeal scheme would deliver a net gain of four dwellings. However, whilst the scheme would positively contribute to housing provision, the presumption in favour of sustainable development does not apply in this case due to footnote 7 of paragraph 11(d)(i) of the Framework, which outlines that harm to designated heritage assets provides a strong reason for refusing the appeal scheme.
42. Consequently, the benefits that would result from the appeal scheme regarding the provision of four dwellings would not clearly outweigh the harm to the CA (a designated heritage asset) and other harms I have identified regarding the character and appearance of the surrounding area as well as the living conditions of future occupants.

### **Conclusion**

43. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*B Astley-Serougi*

INSPECTOR