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## Appeal Decision

Hearing held on 28 January 2026

Site visit made on 28 January 2026

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 March 2026

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**Appeal Ref: APP/C3105/W/25/3374486**

**Land North of Rattlecombe Road, Shenington OX15 6LZ**

- 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 Richard Pitt on behalf of Terra Strategic Land against the decision of Cherwell District Council.
  - The application Ref is 25/01461/PIP.
  - The development proposed is housing development for up to 9 self-build plots.
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### Decision

1. The appeal is allowed and permission in principle is granted for housing development for up to 9 self-build plots at Land North of Rattlecombe Road, Shenington OX15 6LZ in accordance with the terms of the application, Ref 25/01461/PIP.

### Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted<sup>1</sup>. All other matters are considered as part of a subsequent technical details consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.

### Main Issues

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. With particular regard to:
  - whether the proposed development would be appropriately located having regard to the Council's development plan policies,
  - access to services and facilities,

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<sup>1</sup> Paragraph: 012 Reference ID: 58-012-20180615

- whether the proposal is an appropriate use of land and density of development, and
- the effect on the character and appearance of the area.

## Reasons

### *Whether the proposed development would be appropriately located*

5. The appeal site is located within Shenington, Policy Villages 1 of the Cherwell Local Plan 2011-2031 Part 1 Adopted 20 July 2015 (LP 2015) provides a categorisation of villages and helps understand which villages are in principle best placed to sustain different levels of residential development. Shenington is identified as a category C village which is considered suitable for infilling and conversions.
6. Policy H18 of the Cherwell Local Plan November 1996 (LP 1996) states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when a set criterion is met. The proposed development does not meet those criteria.
7. Policy Villages 1 of the LP 2015 references the issue of village clustering which relates to some villages, which may not necessarily have many services and facilities of their own, are geographically close to villages which do have services and facilities. The appellant raised the question at the hearing as to whether Tysoe, which has some facilities that are not available within Shenington and is located within a neighbouring Council's area had been taken into consideration in the plan-making process. The question was not answered, however, while I will examine the access to services and facilities later in the decision the settlement hierarchy in the LP 2015 is fixed and the conflict would therefore not be altered.
8. I therefore conclude that the proposed development would not be appropriately located and would conflict with Policy ESD1 and Villages 1 of the LP 2015 and saved Policy H18 of the LP 1996. Amongst other things, these seek to ensure that proposals distribute growth to the most sustainable locations.

### *Access to services and facilities*

9. Shenington benefits from several services and facilities which include a primary school, pre-school education, doctors' surgery, pub, church and village hall. There is also a bus service within Shenington which provides access to Banbury and Tysoe. All of these services and facilities, as well as the bus stop are within a short walking distance from the appeal site and could be accessed mostly by footways.
10. There is no dispute that Shenington does not have a shop for groceries and day to day items and as such, future occupiers would need to travel to access these services. There is also no dispute that the bus service from Shenington is limited, however, while it would unlikely be suitable for commuting, it would nonetheless provide an alternative to the use of a private car to access shops for groceries and other day to day items.
11. The appeal site would be close to some employment opportunities, however, the walking and cycling routes to these would be unlit and without continuous footways which would make walking and cycling difficult and unattractive.

12. The appellant considers that the appeal site has a close relationship with Tysoe which has a number of additional facilities, including a grocery shop. However, the distance, combined with their being no continuous footways or lighting would mean that walking would be a very unlikely option. Furthermore, while the distance could provide an option for cycling the route is unlit and I am mindful of comments from interested parties in regard to the difficulty of the terrain along the route which I find would generally make cycling an unattractive option.
13. As such, while the bus would enable some access to Tysoe, it would not be geographically close enough to Shenington to be able to share facilities. I therefore do not consider the relationship with Shenington to constitute a cluster for the purposes of Policy Villages 1 of the LP 2015.
14. I am mindful of Paragraph 110 of the National Planning Policy Framework (the Framework) which states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I am also mindful that the Council have categorised Shenington as a category C village, which is what they consider to be the lowest to sustain residential development. Despite this, there is opportunity to access several services and facilities by walking and by using the bus and as such, the proposed development would not be wholly reliant on the use of a private car, and future occupiers would be able to support local facilities.
15. I therefore conclude that the appeal site would be suitable for residential development having regard to access to services and facilities. I find no conflict with Policy PSD1, SLE4 and ESD1 of the LP 2015. Amongst other things, these seek to ensure that development improves the economic conditions in the area, facilitate the use of sustainable modes of transport and reduces the need to travel.

*Whether an appropriate use of land and density of development*

16. Policy BSC2 of the LP 2015 requires that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons for lower density development.
17. The proposed development is for up to 9 dwellings which would be a much lower density than is required; however, the appellant has put forward several reasons for the proposed lower density. These predominantly rely on the appeal site's location at the edge of settlement and close to the Shenington and Alkerton Conservation Area (CA) as well as that part of the appeal site would be used to provide a footpath link, SuDS pond and Biodiversity Net Gain (BNG).
18. The application was accompanied by a Proposed Layout plan, Drg No: PIP-02 which was discussed during the hearing and while the proposed layout is illustrative, the provision of the SuDS pond, footpath and BNG were suggested by the appellant as being a requirement. As such, these aspects of the scheme would likely take up space within the appeal site in some form and as such, I have considered this as part of the proposal.
19. In regard to the density of other dwellings within the area, it is clear that most other housing in the area is of a much lower density than the 30 dwellings per hectare required and as such I consider that the higher density required by Policy BSC2 would be at odds and would not integrate well with the area. I therefore consider that there are justifiable reasons for the lower density development.

20. I therefore consider that the proposal would be an appropriate use of land and density of development. I find no conflict with Policy BSC2 of the LP 2015 which amongst other things, seeks to make effective and efficient use of land.

*The effect on the character and appearance of the area*

21. The appeal site is a large parcel of land which is currently an open field and is located towards the edge of Shenington. The area is predominantly residential and is categorised by large dwellings. The dwellings closest to the appeal site tend to sit close to the road and are punctuated by open spaces as you leave Shenington which is then mostly open fields. The appeal site is elevated above the road and as a result, views are limited, but it is evident that it is currently undeveloped and therefore provides a positive contribution to the more open character and appearance as you head away from Shenington.
22. There is limited information before me to establish precise layout and form of the proposed development. However, I have had regard to the provision of 9 dwellings as well as the illustrative plan which suggests that a footpath, SuDS and BNG would likely be provided within the appeal site.
23. The provision of up to 9 dwellings would be visible in the context of the openness of the appeal site. I am mindful that the front of the appeal site could be landscaped, however, an access road and large landscaped area, with houses behind would generally be at odds with the layout of other dwellings in the area which tend to be close to the road or have small front gardens.
24. The precise layout and design of the proposed scheme is not before me; however, the appeal site's frontage is likely too narrow to be able to accommodate the number of dwellings proposed in a similar form to others within the area. There is some scope for the proposed development to have a similar layout to the estate opposite the appeal site, however, on the basis of the footpath, SuDs and BNG, there may still be an uncharacteristically large area of landscaping or open space which would be at odds with the character and appearance of the area.
25. I therefore consider that the proposed development would harm the character and appearance of the area. It would be contrary to Policies ESD13 and ESD15 of the LP 2015 which amongst other things, seek to ensure that developments respect and enhance local landscape character and contribute positively to an area's character and identity.

**Other Matters**

26. The appeal site borders the CA with the areas closest to the appeal site being identified within the Shenington with Alkerton Conservation Area Appraisal February 2009 (CA Appraisal) as being within the village fringe character area, which is identified as consisting of converted dwellings with Rattlecombe Road leading towards former arable fields, reference to later and more recent development is also made. The ironstone boundary wall that is located towards the frontage of the appeal site is referenced within the CA Appraisal as being a positive feature within the CA, with its loss being a potential threat.

27. I am satisfied that the proposed development could be designed to be in keeping with the CA at TDC stage and that improvements could also be made to the ironstone wall which is currently damaged. I therefore consider that the proposed development would have a neutral effect on the the character and appearance of the CA, through development effecting its setting and that there is potential for improvements to be made which could be secured during the TDC stage.
28. The Council have referred to a number of appeal decisions in an attempt to support their reasons for refusal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
29. In regard to the Hempton Road<sup>2</sup> decision, the Inspector gave significant weight to the provision of self-build housing, I have done the same. I have also had regard to the effect of the proposed development on the character of the area and heritage, similarly to the other appeal decisions<sup>3</sup> provided.
30. In respect of the other appeal decisions<sup>4</sup> that have been provided, these are all located within different areas with varying access to services and facilities, each of which have been considered on their own merits, as I have done with the appeal before me.
31. I have given careful consideration to representations made by local residents and third parties; however, my decision is limited to consideration of land use, amount and location. As such, the concerns raised in regard to ecology, drainage, refuse/ recycling provision, water supply, noise and contamination are not matters for the PIP stage.
32. The Council have not found that the proposed development would result in harm to highway safety and while I note that interested parties have raised some concern in relation to infrastructure and increased traffic, there is no compelling information before me to reach a different view from the Council.
33. It has been suggested that the doctor's surgery is oversubscribed, however, there is no conclusive evidence before me to demonstrate this. It is also suggested that the proposed development would be of no benefit to the local community and would not secure affordable housing. However, the PPG indicates that there is no scope to secure obligations at the permission in principle stage although this could be done at TDC stage should it be necessary.
34. I note that interested parties have referenced previous applications that have been refused on the appeal site, that the appellant intends to deliver more units on the appeal site in the future, has marketed the appeal site for more units and the proposal would set a precedent. However, each planning application should be considered on its own merits for which I have done so, and I see no reason that my decision would set a precedent when considering the differing circumstances for future schemes.

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<sup>2</sup> APP/C3105/W/23/3324704

<sup>3</sup> APP/C3105/W/23/3314220, APP/C3105/W/24/3344189 and APP/C3105/W/25/3360446

<sup>4</sup> APP/C3105/W/24/3350881, APP/C3105/W/25/3368803, APP/C3105/W/22/3309489, APP/C3105/W/18/3204920 and APP/C3105/W/19/3233293

35. Interested parties have raised concerns that the proposed development would not be suitable for permission in principle. Article 5B of the Permission in Principle (Amendment) Order 2017 sets out development that is specifically excluded from a grant of permission in principle and amongst other things, states that permission in principle cannot be granted for major development. The provision of a building or buildings where the floor space to be created is 1,000 square metres or more would constitute major development. While the site plan illustrates footprints in excess of 1,000 square metres would be created, the size of the dwellings are not before me for consideration. Permission in principle only considers location, land use and the amount of development permitted and as such the size is indicative, the size of the dwellings can be controlled at TDC. The Council have assessed the application on this basis, and I have no reason to reach a different view.

### **Planning Balance**

36. The proposed development would not be appropriately located and would cause harm to the character and appearance of the area. In the context of the appeal sites location, with access to services and facilities as well as most of the details reserved until TDC, the magnitude of harm would be moderate.
37. The proposal would be contrary to Policy ESD1, ESD13 and ESD15 and Villages 1 of the LP 2015 and saved Policy H18 of the LP 1996. These Policies are generally consistent with the Framework in supporting housing developments that reflect local needs and establish or maintain a strong sense of place, using the arrangement of streets and spaces. Therefore, the conflict between the proposed development and the Policies outlined should be given significant weight and the proposal would conflict with the development plan as a whole.
38. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The parties agreed within the statement of common ground that the Council can only demonstrate a 2.32 year supply. However, as the hearing the Council suggested that as a result of the Annual Monitoring Report 2025 (01/04/2024 – 31/03/2025) December 2025 (AMR), they are now able to demonstrate a 3.1 year supply. The Council did not submit the AMR before or during the hearing, and as such, the appellant did not have the opportunity to respond to the delivery of any of the sites suggested.
39. However, and notwithstanding the above, the Council state that even though the figure may now be higher, the weight to be attributed to the proposed housing is unchanged. Therefore, and even if I were to accept the higher figure of 3.1 years, this represents a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
40. The proposal would provide a modest but important contribution to housing supply which in the context of the Council's significant undersupply would attract significant weight as a benefit to the proposed scheme.
41. There would be some economic benefits through the building out of the scheme and employment of builders and traders as well as support for local services by future occupiers of the dwellings.

42. There could be some environmental benefits through the construction of the dwellings, by ensuring renewable energy and creating efficient dwellings. Albeit as the design of the dwellings is not before me, I can only give this very limited weight. I also note that future occupiers could utilise zero emission vehicles, however, there is no guarantee of this and as such, this does not attract weight in favour of the proposed scheme.
43. The proposed development is for self-build housing and while I note that there is no mechanism to secure the proposed development for self-build, it is clear that permission in principle applications can count towards self-build housing. I am also satisfied that the proposed development is intended to be for self-build and the description of development is clear on this matter. The Council would be able to secure the delivery of self-build homes during the consideration of the TDC and as such, I am able to give positive weight to the provision of self-build housing.
44. The Council consider that they are meeting their statutory duty in regard to self-build housing, but I find there is limited evidence to demonstrate this. Nonetheless, there was no dispute at the hearing that the Council have a significant undersupply of this type of housing. The provision of 9 self-build houses would make a modest, but important contribution to this undersupply and would therefore attract significant weight as a benefit to the proposed scheme.
45. Consequently, when assessed against the Policies in the Framework when taken as a whole, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

### **Conclusion**

46. The proposed development would be contrary to the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict. Therefore, for the reasons given, the appeal should be allowed.

*D Wilson*

INSPECTOR

## **Appearances**

### FOR THE APPELLANT:

Andrew Jones – Tetlow King Planning

James Ellis – Rural Solutions

Paul Harris – MHP Design

Karl Hulka – Orion Heritage

James Corbett Burcher – Barrister

### FOR THE LOCAL PLANNING AUTHORITY:

Nathanael Stock - Development Management Team Leader

Nicola Wheatcroft - Principal Planning Officer

### INTERESTED PARTIES:

John Woodcock

John Buchanan

Nick Jasko

Arlene Jasko

Colm Gibson

Jerry Longland

Julian Philcox

Keith Howard

Rose Mistry

Anthony Jackson

Amanda Lewis

**DOCUMENTS SUBMITTED AFTER THE EVENT:**

1. Late representation received from Philip Lewis dated 1 February 2026
2. Annual Monitoring Report 2025 (01/04/2024 – 31/03/2025) December 2025
3. Appellant's response to late submission by Mr. Philip Lewis dated 01/02/26, received 6 February 2026
4. Council comments on late representation received 12 February 2026