



Appeal Decision

Site visit made on 19 November 2025

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/Q3115/W/25/3362961

Whispering Cottages, 3-4 Nuneham Courtenay, Nuneham, Oxford, Oxfordshire OX44 9NX

- 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 Mr Paul Gillett against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S3932/FUL.
 - The development proposed is change of use of rear building to independent dwelling house with associated curtilage and parking. Alterations to building, including to opening / fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was modified during the determination phase to (among other things) remove two proposed dormer windows. Consequently, the description of development used on the application form no longer reflects the proposal as amended and as determined. I have therefore used the description of development as stated on the appeal form as this is a clearer description of the proposal.
3. After the appeal was made, the appellant advised that notice had not been served on a landowner for part of the appeal site. The appellant addressed this matter within the appeal timetable, and I am satisfied that no party has been prejudiced in this regard.
4. The proposal concerns the conversion of an outbuilding to an independent dwelling. Planning permission for the outbuildings within the appeal site is given to be c1983, following the demolition of a concrete and asbestos garage in order to provide a garage and a workshop/studio block. The main parties agree that the outbuildings are ancillary to the host property.
5. The evidence includes two legal agreements made under s52 of the Town and Country Planning Act 1971. The first relates to the village of Nuneham Courtenay, while the second relates to the appeal property. In brief, the agreements seek to protect the character and appearance of the area, including by restricting uses of buildings. The main parties agree they would resolve any variance or deletion of the second agreement themselves if I were to allow the appeal and grant permission and I note that neither party has taken legal advice on this matter. In any event, I have determined the appeal on its planning merits.
6. As required by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), and I have paid special attention to the

desirability of preserving or enhancing the character or appearance of a conservation area; and I have had special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. For the avoidance of doubt, the outbuildings within the appeal site are not considered by any party to be curtilage listed, and I find no reason to consider otherwise. Although no statutory protection for the setting of parks or gardens exists within the Act, the National Planning Policy Framework (the Framework) establishes the need to consider the impact of development on the setting of all designated heritage assets.

7. In December 2024, an emerging Joint Local Plan for South Oxfordshire and Vale of White Horse was submitted for examination. The evidence indicates that there are unresolved objections to the plan, and the outcome of the examination is not yet known. Therefore, the emerging plan attracts very limited weight in my consideration of the appeal.
8. On 16 December 2025, the Government published a consultation on proposed reforms to the Framework. Whilst broad changes to the structure of the Framework are proposed, these proposals could be subject to further change and can only be given limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision I have had regard to the present version of the Framework.

Main Issues

9. Having regard to all the evidence before me, the main issues are the effects of the proposal upon: (i) the character or appearance of the Nuneham Courtenay Conservation Area (CA); (ii) the setting of the Grade II listed building '3 and 4, A473' (Entry No: 1193400) now known as 3-4 Nuneham Courtenay (LB); and (iii) the setting of the Grade I Nuneham Courtenay Registered Park and Garden (RPG) (Entry No: 1000122).

Reasons

The appeal site, its surroundings and the proposal

10. The appeal site includes land and two outbuildings within the rear of the host plot, and benefits from rear access via wooden 'field-style' gates to a rough surfaced lane (the back lane). Towards the south, the back lane meets a rough surfaced road which runs towards the southern end of the village of Nuneham Courtenay. This section of road, together with the section of the back lane at the rear of the plot is included within the appeal site (as edged red) as the proposed means of access. The land on the other side of the back lane includes a scrap yard and its car park. The back lane narrows after the car park entrance and forms an undesignated footpath towards the northerly part of the village, where it widens before meeting a road leading to the Nuneham Estate (the estate).
11. While the larger outbuilding appears as a two-storey structure including dormer windows, its large, tall wooden doors retain the appearance of an outbuilding, as does the smaller garage building, such that they appear as ancillary buildings serving the main dwelling. The outbuildings appear within view from within the rear garden of No 3-4, and from openings in its rear elevation, despite the presence of some intervening vegetation, and a low picket fence and gate across the width of the plot. In addition, they can be seen when travelling along the back lane, above

existing vegetation and in the wide gap afforded by the wooden gates at the rear of the plot. Very brief and constrained glimpses of the wider plot can be seen between the outbuildings when travelling along the back lane.

12. The proposal would result in the sub-division of the host plot, to include the two outbuildings and an area of garden. The proposed boundary between the two plots would be across the width of the host plot, in the form of a fence and hedge. There would be some alterations to the larger outbuilding to enable its conversion to an independent dwelling, including glazing to the opening served by large wooden doors which would be retained in the flank elevation, with two proposed parking spaces adjacent.

Significance, special interest and settings

13. The evidence includes a Statement of Significance & Heritage Impact Assessment submitted with the application. Although the Council's Guide to the Planning Legal Agreement Nuneham Courtenay (the Guide) is not a formal conservation area appraisal, it describes the significance of heritage assets and is relied upon by the main parties. I note that the Guide sets out that the village together with the park is included as Grade I on the national register of Parks and Gardens of Special Interest. However, the list entry dated June 1984 states that the park is adjacent to the west side of the village of Nuneham Courtenay, and the included map shows the boundary of the RPG to lie outside the village, to follow a line commensurate with a lane leading to the southern end of the village, which once served as an estate road. I therefore find that the appeal site does not fall within the boundary of the RPG.
14. Conservation Area: The CA was designated in December 1984 and comprises the RPG and the village of Nuneham Courtenay. As part of a plan by the first Earl Harcourt to create a country house in a landscaped parkland, the medieval village of Newnham was effectively transplanted in the 1760s and named Nuneham Courtenay. The country house, with its planned landscape forms the RPG. The village remained in the ownership of the Harcourt family until 1948 when it was sold to the University of Oxford. From the late 1970's, individual buildings in the village were sold as they became vacant.
15. The Guide sets out that the village was deliberately designed on a symmetrical plan straddling a turnpike road, with pairs of semi-detached cottages of a uniform design and appearance placed at regular intervals with generous gardens to the side and rear. Further, that architectural interest was provided at both entrances to the village by the positioning of larger and grander buildings on both sides of the road, with greater height and classically proportioned design; a further building of similar grander character was built halfway along the street; and a matching dwelling was proposed opposite but not built. The Guide indicates that all original buildings in the village are listed. I find no reason to consider otherwise.
16. The Guide describes the village as a sophisticated composition which combines classical formality in its planning with elements of the picturesque in the design and materials of the cottages. Further, that even though some parts of the original plan were not fully implemented, the village was built for a prominent landowner as a single phase of development. It is not disputed that it is one of only two examples in the country of a planned estate village.

17. Over time, extensions and outbuildings, fencing and other structures have been erected within the village, largely of an ancillary nature. The 19th century village hall fronts the street between a pair of cottages, undermining the uniformity of the planned pairs of cottage plots within the street scene and the open spaces between. Nonetheless, the predominant character of long plots perpendicular to the highway, as part of the planned village remains highly legible.
18. Insofar as related to the appeal, the key contributor to significance of the CA is the planned nature of the village and its historic relationship to the park (the RPG), from which the original community was displaced. Insofar as related to the appeal, the key features of the CA are the rhythmic, uniform pairs of semi-detached cottages set in long linear plots, and the open spaces and simple low paling fences between them.
19. Listed Building: The list entry dated July 1963 describes the building as a pair of cottages. Importantly, the entry indicates its group value and refers to it being part of the planned estate. External architectural details of the pair of cottages are described, but the interior was not inspected. However, listings are primarily for identification purposes and do not always provide an exhaustive or complete description of special interest and significance.
20. As originally planned, the pairs of semi-detached cottages in the village were sited close to the street, within generous linear plots, which form the planned setting to each cottage. The pair of cottages at Nos 3 and 4 are now a single dwelling in a conjoined plot, without any remaining visible means of subdivision between the once separated rear gardens. Despite the absence of its original shutters, the existing dwelling retains the appearance of a planned pair of semi-detached cottages. In this regard, a key characteristic of the CA - the uniformity of buildings - remains evident within the street scene.
21. It is not clear when the pair of cottages and their rear gardens were conjoined. In any event, the original subdivision of the pair of cottages has been altered. While any visible middle boundary between the now conjoined rear gardens at No 3-4 no longer remains, the original dog-legged side boundaries and the long nature of the conjoined plot remain legible and make a positive contribution to the setting of the LB. Insofar as related to the appeal, the key contributors to special interest stem from their group value, and the historic layout of the plot, as a planned pair of semi-detached cottages set in a long linear plot, forming part of the planned village.
22. Registered Park and Garden: The RPG covers an area of about 470ha. Its significance stems from the construction by the first Earl Harcourt of a country house and surrounding landscaped park and pleasure grounds. The transplanted village is a component part of the original masterplan for the estate. Even though the parkland was largely designed to prevent intervisibility between the country house and the transplanted village, the village forms part of the overall historic plan for the estate and is historically associated with it. Insofar as related to the appeal, the key aspect of significance is its historic relationship to the village, where the original community was displaced to, and the contribution the village makes to its planned setting.
23. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as

the asset and its surroundings evolve. The planned setting of the RPG has altered over time, including by the introduction of the back lane, allotments and the later scrapyards along the westerly side of the village, as well as 20th century development to the northwest of the village.

24. Drawing all the above together, I find the significance of the CA to be intrinsically linked to the significance and special interest of the LB and the RPG, as a planned estate of national importance.

Effects

25. Although the historic fabric of the LB would not be altered by the proposal, the appellant's own heritage evidence accepts that the sub-division of the plot at a perpendicular angle to the established boundaries would 'alter' the heritage asset. While the original planned setting of the cottages at Nos 3 and 4 has already been altered by the conjoining of two historic plots, the long length of the original plots remains legible. The presence of an independent dwelling within its own plot would further alter this setting, as the garden serving the conjoined cottages would be considerably shorter. This would negatively impact the setting of the LB. The loss of the historic middle boundary between the rear gardens of Nos 3 and 4 does not of itself justify subdivision that would result in further harm to the planned setting of the LB.
26. The shortening of the conjoined plot would result in further discordance from the long, linear and rhythmic nature of the historic cottage plots within the village, which is a key characteristic of the CA. Although properties at the southerly end of the village have shorter gardens, these plots were part of the planned layout as bookends to the southern end of the village, to include grander building forms, as the appellant's own heritage evidence acknowledges. While a hedged boundary treatment would be in keeping with the predominant form of enclosure to gardens within the village, and other plots include hedges which form informal or internal boundaries within their plots, this would not overcome the harm I have found.
27. At present, the two outbuildings have the character and appearance of ancillary buildings at the rear of the plot. The proposed dwelling would have its rear elevation close to the back lane, and its main elevation facing the rear of the LB and its remaining garden. Whilst the building exists, the effect of subdivision would be highly discordant to the predominant rhythmic plot character of the planned pairs of cottages within the village, where main elevations face the street, with generous gardens to the rear.
28. The proposed alterations to create the independent dwelling are limited. These include the installation of glazing to the existing opening on the flank elevation, close to the two proposed parking spaces. The large, tall wooden doors would be retained, and the submitted plans indicate that the doors would be left open. The glazed opening would serve as the primary window for an extensive living and kitchen area. The retained doors would likely remain permanently open to achieve satisfactory levels of light and outlook. It seems to me that the combination of the retained doors and glazing would result in an odd and distinctly unusual detailing at the flank of the dwelling. While the retained doors would retain the existing character of the building, they would look odd in the context of a dwelling and therefore discordant to the character and appearance of other dwellings within the

CA, where larger openings are without such retained doors and where smaller windows facing the street include their original shutters.

29. I note that the Council's design principles for heritage and conservation¹ encourage the use of existing openings in elevations for windows and doors in conversion schemes. From my own observations and the examples provided, I find no reason to disagree that the proposed glazing would be of a similar scale and/or proportion to other examples of glazing within the village at Nos 7, 11, 17A, 25 and 31, and the Old Forge as the appellant suggests. However, none of the examples include retained doors, and are therefore not directly comparable. At the Old Forge, the large multi-paned glazing is in keeping with other fenestration and is given to have replaced metal doors.
30. The appellant suggests that the proposal would in essence be a further part in the evolution of the village over time, drawing my attention to various examples including some independent dwellings. During my visit I walked the full length of each side of the village and along the back lane, as requested by the appellant to observe these examples. Overall, I have limited information as to the detailed circumstances which may have led to these examples, which limits the weight I can attach to them. Various outbuildings, extensions, additions, residential annexes, driveways, hedges and fencing are visible within side/rear garden spaces and from along the back lane, but these are largely ancillary structures and are therefore not directly comparable to the formation of an independent dwelling within its own plot.
31. My attention is particularly drawn to Blue Bear Cottage (located to the rear of No 12 Nuneham Courtenay), given by the appellant to be an independent dwelling due to immunity from enforcement action; and the Old Forge, given to be the subject of a conversion scheme. No 12 is clearly one of the semi-detached cottages and the independent dwelling is set back from the wider part of the back lane, unlike the proposal before me. It is not clear how the host plot itself has been sub-divided and I was unable to see the nature and extent of any boundaries within that site during my visit. In any event, an independent dwelling arising from enforcement immunity does not justify further subdivision that would result in further harm to the setting of the LB and a key characteristic of the CA.
32. Although The Old Forge is accessed from the wider part of the back lane, it arises from the conversion of one of the grander buildings in a larger plot in the 1960s before the designation of the CA. For these reasons, the Old Forge is not directly comparable to the scheme before me.
33. The new development to the rear of the Smithy and the presence of the car park serving the public house at the northern end of the village demonstrate further stages in the evolution of the village, effectively extending it. However, an extension of the settlement is not directly comparable to sub-division; and the appellant does not dispute that the permission granted for the development took account of various factors which were weighed in the balance, including the removal of unattractive buildings.
34. The appellant draws my attention to the limited views of the appeal site. However, limited public visibility has little bearing on my consideration of the effect upon the

¹ Supplementary Planning Document: Joint Design Guide, South Oxfordshire District Council & Vale of White Horse District Council, June 2022

CA, as I am duty bound to consider the character or appearance of the CA as a whole. Historic England advice² (referred to in evidence) makes clear that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting. Therefore, limited public visibility has little bearing on my consideration of the effect upon the setting of the LB.

35. Turning to the setting of the RPG, the boundary of the appeal site along the back lane would not be altered and vehicular movements would not be significantly different to those associated with ancillary use. The nearby scrapyard is enclosed by tall hoarding which prevents intervisibility between the appeal site and the RPG. For these reasons, the proposal would not harm the setting of the RPG.
36. In concluding on the effects of the proposal, I find that it would erode the linear form of the village, by shortening the depth of the now conjoined plot, which would be highly discordant to the original estate plan for the village, with particular regard to the planned pairs of cottages. It would therefore harm the character and appearance of the CA, and the setting of the LB. The proposal would not harm the setting of the RPG.

Public benefits and heritage balance

37. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
38. Due to the localised nature of the proposal and as the outbuildings exist, I find the harm to be less than substantial in this instance, and in the low range of that spectrum. Nevertheless, the less than substantial harm I have found is of considerable importance and weight. In accordance with paragraph 215 of the Framework, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
39. The proposal would support the government's objective to significantly boost the supply of land for homes, and the efficient use of land. However, one unit of housing would be a small contribution. Temporary economic benefits would arise during the construction phase, but this would be limited due to the scale of the works. Permanent economic benefits would arise thereafter from additional household expenditure. Collectively, these limited public benefits would not outweigh the harm that I have found, to which I am required to attach great weight.
40. Given the above and in the absence of sufficient public benefits to outweigh the harm that I have found, I conclude that, on balance, the proposal would fail to preserve or enhance the character or appearance of the CA and would fail to preserve the setting of the LB. This would fail to satisfy the requirements of the Act, paragraph 215 of the Framework, and would conflict with SOLP policies ENV6, ENV7, ENV8 and ENV10.

² Historic England: The Setting of Heritage Assets

41. Taken together, and among other things, the policies above seek to ensure that development proposals conserve or enhance the character or appearance of a CA, including by being sympathetic to the original curtilage of buildings and patterns of development that form part of its historic interest; and conserve, enhance or better reveal elements which contribute to the significance of heritage assets and their settings, taking account of any public benefits. As a result, the proposal would not accord with the development plan.

Other Matters

42. The appeal site is within the Green Belt. The outbuilding proposed for conversion is given to be of permanent and substantial construction and would accord with the exception at paragraph 154 h) iv of the Framework and with Policy STRAT6 of the South Oxfordshire Local Plan (SOLP) which concerns Green Belt. I find no reason to consider otherwise.
43. I note that rights of access via the back lane are a matter of dispute between the appellant and a landowner. However, such rights are private matters and do not affect my consideration of the planning merits of the scheme.

Planning Balance and Conclusion

44. The Council cannot demonstrate a five-year supply of deliverable housing sites, and the main parties agree that paragraph 11 d) of the Framework is engaged. Neither party has provided detail as to the extent of any shortfall in housing supply.
45. In accordance with footnote 7 and paragraph 11 d) i of the Framework, the policies of the Framework that protect designated heritage assets are a strong reason to refuse the proposal. For these reasons, and even if the shortfall in the Council's five-year supply of deliverable housing sites were to be extensive, it would not alter my finding that the presumption in favour of sustainable development does not apply in this case.
46. For the reasons above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Moore

INSPECTOR