
Appeal Decisions

Site visit made on 19 May 2026

by D Boffin BSc (Hons), DipTP, MRTPI, DipBldg Cons (RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 7th July 2026

Appeal A Ref: APP/D3125/X/24/3338014

Field House, South Leigh, Witney, OX29 6XG

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Michael Fitchett against the decision of West Oxfordshire District Council.
- The application ref 23/02732/CLP, dated 11 October 2023, was refused by a notice dated 23 November 2023.
- The application was made under section 192(1)(b) of the 1990 Act.
- The development for which a certificate of lawful use or development is sought is erection of a four bay oak-framed garage and extension of gravel driveway.

Summary Decision: The appeal is allowed.

Appeal B Ref: APP/D3125/W/24/3341167

Field House, South Leigh, Witney, Oxfordshire, OX29 6XG

- The appeal is made under section 78 of the 1990 Act against a refusal to grant planning permission.
- The appeal is made by Mr Michael Fitchett against the decision of West Oxfordshire District Council.
- The application ref no is: 23/02045/FUL.
- The development proposed is: change of use of agricultural land to domestic curtilage, erection of a 4 bay oak-framed garage, creation of gravel driveway, turning and parking area and ecological and landscaping enhancement measures.

Summary Decision: The appeal is dismissed.

Preliminary Matters and Background – both appeals

1. As set out above there are two appeals relating to Field House. They relate to the same appellant, but different parts of the land owned by the appellant. The two appeals are related as it is clear from the appellant's evidence that the LDC application (Appeal A) is a proposal to relocate the 4 bay oak framed garage that forms part of the development that is the subject of Appeal B. As such, I have dealt with Appeal B first as my determination of that appeal has implications in respect of my determination of Appeal A.
2. In 2011, planning permission¹ (the 2011 permission) for the erection of an agricultural building (the barn) was granted. That barn appears to have been constructed to the south-east of the existing 4 bay garage (Appeal B). Nonetheless, the approved plans associated with the 2011 permission show one side of the barn to be open and not enclosed by a wall or fenestration. Whereas I noted that the barn on site is enclosed on all four sides, with 3 sets of large double doors and timber cladding within what would have been the open side. Moreover, based on my observations that barn appears to currently be in use in association with the residential use of Field House. It is not for me to determine, in either

¹ Ref No: 11/0545/P/FP

appeal decision, whether the current use of the barn and the land around it is lawful.

3. In 2018, planning permission² (the 2018 permission) was granted for “*demolition of existing conservatory, to be replaced with an orangery. Double storey side extension and internal alterations. Enclosed front porch. Demolition of 4no. rear out-buildings to be replaced with one new outbuilding (amended).*” The ‘new outbuilding’ approved by the 2018 permission is a timber clad 3 car garage with an attached room. In 2022, planning permission³ was granted for the “*erection of an oak framed single storey extension to an existing oak-framed domestic workshop*”. That extension is to the outbuilding permitted by the 2018 permission. It appears that both the 2018 permission and the 2022 permission structures have been constructed. The appellant has stated that the application red line boundary for the 2018 permission is the same as that shown on the plans submitted as part of Appeal B. The 2018 permission approved plans are not before me.
4. The description of the proposed development (Appeal B) is taken from the application form. The change of use is described as from agriculture to domestic curtilage. The term curtilage has not been defined within the 1990 Act and caselaw has often addressed the meaning of that term. That caselaw has held that a good expression of the concept of curtilage is that the land and building together constitute an integral whole because they are so intimately associated that the land is part and parcel of the building. However, the term curtilage does not describe what the use of the land might be. Based on the evidence before me it is apparent that the proposed use of the land is domestic/residential associated with the residential use of Field House. The change of use and operational development has been carried out and therefore the application is seeking to retain the development. The ecological and landscaping measures are proposed as part of the submissions before me. I have determined Appeal B on that basis.
5. I noted at the site visit that adjacent to the barn there is a 2-bay timber clad structure with a monopitch roof. That structure appears to be used to store machinery and general household items and whilst it is within the appeal site it does not form part of the development proposed in Appeal B.

Appeal B

Main Issues

6. The main issues in this case are:
 - The effect of the development on the character and appearance of the surrounding area;
 - The effect of the development on the contribution that setting makes to the significance/special interest of the Manor House, a grade II listed building;
 - The effect of the development on biodiversity.

² Ref No: 18/01515/HHD

³ Ref No: 22/02682/HHD

Reasons

Character and appearance

7. Prior to the development taking place, the appeal site formed part of a field/paddock adjacent to Field House. That dwelling dates from the middle of the 20th Century and it is relatively large and detached. It is located off an access track that also serves the Manor House, a listed building. Field House is within the countryside with the nearest settlement being South Leigh. There are public rights of way (PROW)⁴ close to Field House and the appeal site. The appeal proposal seeks planning permission for the change of use of the appeal site, the erection of a 4-bay garage and the extension of a gravel driveway. The appeal site is an irregular shape as it appears to have been tightly drawn around the garage and gravel driveway. The garage is single storey, of largely timber construction clad with weatherboarding with a pitched plain tiled roof. I acknowledge that pre-existing garages within the grounds of Field House were in a bad state of repair and that they have been demolished. However, those garages appear to have been demolished prior to 2019 based on aerial photographs that are before me. As such, their removal from the overall site provides no support for the development before me.
8. The West Oxfordshire Design Guide (WODA) indicates that the appeal site is within the Thames Vale architectural character area (TV). It states that within TV typical walling and roofing materials include weatherboarding of elm, oak or chestnut left natural to bleach silver grey and red handmade clay tiles. Therefore, with regards to materials the garage reflects the materials utilised in other outbuildings on this site and conforms with the guidance in WODA.
9. The appeal site lies within Landscape Character Area (LCA) 11, Eynsham Vale as defined in the West Oxfordshire Landscape Assessment (WOLA). That document indicates that within LCA11 the landscape that the site is located within is identified as semi-enclosed rolling vale farmland. The key characteristics of that landscape include mostly large-scale fields under arable with regular field boundaries but some smaller-scale pattern and pasture especially around settlements; stronger structure of hedgerows, trees and occasional belts or blocks of woodland; semi enclosed character and moderate intervisibility. The WOLA states that the principal factors that potentially threaten landscape quality within LCA11 include intrusion from built development and ‘suburbanisation’ of the wider countryside.
10. The South Leigh Parish Neighbourhood Plan (the SLPNP) splits the Parish into six Parish Landscape Character Areas (PLCA). The appeal site lies within PLCA C and that area is described as having *“an overriding perception of a tranquil rural village, reinforced by the pattern of small pasture and arable fields encircling it”*. The SLPNP also states that visual sensitivities in PLCA C include the long elevated rural views into, out of and across the area from PROW and roads and views across small scale sloping fields.
11. A Landscape and Visual Statement (LVS) was submitted with the planning application. It states that LCA11 has a medium sensitivity to the proposed development and I have no reason to disagree with that finding. It goes on to state that the contribution made by the setting to the value of this landscape asset would

⁴ 353/9/30; 353/8/30 and 353/21/10

largely be unchanged by the proposed development and would be considered to be 'none to negligible' and not significant. However, the LVS only appears to assess the impact of the garage building rather than the whole development which includes the change of use and the extension of the gravel driveway. The gravel driveway covers a large proportion of the appeal site. Moreover, the irregular shape of the appeal site and its appreciable distance from the dwelling highlights the changes that have been made.

12. I acknowledge that the appeal site is a relatively small area in respect of the overall area of LCA11. Nonetheless, I consider that the development has resulted in notable changes through the introduction of built development and the gravel driveway, the appreciable reduction in the size of the field/paddock and the resulting suburbanisation of this part of the countryside. In my judgement, the magnitude of change on landscape character has been medium and given its medium sensitivity to change the impact of the development has been moderate on landscape character.
13. The PROWs follow the line of the access track, the eastern boundary of Field House/the appeal site and traverse the field to the north-west of the appeal site. The people likely to be affected by changes in views and visual amenity are users of those PROW. Their susceptibility is likely to be high because they will be in the area for recreation and leisure, where enjoyment of the countryside will be important to their visit. Within the LVS 3 viewpoints have been included and viewpoints 2 and 3 correlate with the locations with a view of the development site shown on the zone of visual influence plan. However, it is unclear as to why viewpoint 1 was included as that location was identified as having no view of the development site. Moreover, there is a section of the access track/PROW near to its junction with the road that is identified as a location with a view of the development site, but no viewpoint has been included for that location.
14. The land slopes up from road which appears typical within this rolling vale farmland. Views from the PROWs in places are curtailed by mature trees and hedgerows but there are views across the sloping fields from the PROW that traverses the field. The garage and gravel driveway have been constructed and there are places close to the appeal site where they are not apparent due to intervening mature landscaping and pre-existing buildings. Nevertheless, from the PROW that traverses the field (viewpoint 3) the garage is highly visible given its location at a higher ground level than Field House and its relatively long length. Moreover, when walking along that PROW parts of the gravel driveway are also visible. The light colour of the gravel driveway draws attention to the development.
15. The garage is located a significant distance from Field House and the areas of gravel have appreciably extended the pre-existing parking/drive areas. The visual impact of the garage is accentuated by the fact that it results in an irregular shaped area of land extending up the slope to the rear of the barn. Due to its location in relation to Field House and that dwelling's ornamental garden areas the development does not appear as an integral part of those garden areas when viewed from the PROW that traverses the field. Moreover, Figure D within the SLPNP states that from that PROW (marked as 4 in a yellow circle) there are key views across small scale sloping fields and village edge. Therefore, in my judgement the magnitude of change on visual amenity has been medium on the users of that PROW.

16. Due to the topography the garage is also highly visible from viewpoint 2 and from the area near to the junction of the access track and the road. In viewpoint 2 the garage is partially obscured by pre-existing outbuildings, and it is viewed with the ornamental garden areas of Field House. As such, the development is not prominent in this view and the magnitude of change on visual amenity is low. Nonetheless, from the area near to the road junction, due to the sloping topography the garage is clearly visible in views from that part of the PROW. Yet that view is an appreciable distance from the development and the magnitude of change on visual amenity is also low.
17. A landscaping scheme forms part of the evidence before me and whilst the majority of the proposed planting would not be within the appeal site it would be within land owned by the appellant. I am satisfied that if I was minded to allow the appeal that planning conditions would ensure that the proposed landscaping scheme would be implemented and maintained. A completed legal agreement relating to the implementation of that landscaping scheme is before me. Nevertheless, paragraph 56 of the National Planning Policy Framework (the Framework) states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Therefore, in this case I do not consider that the legal agreement is necessary to make the development acceptable in planning terms.
18. The LVS indicates that with the implementation of the landscaping scheme the residual visual amenity significance of effect would be minimal adverse from viewpoint 2 and slight adverse from viewpoint 3. In my judgement, the landscaping scheme would assist in softening the visual impact of the development in those viewpoints in the medium and longer terms when the landscaping is in full leaf. I also acknowledge that the hedgerows and trees would not appear incongruous taking into account the key characteristics of the semi-enclosed rolling vale farmland.
19. However, I consider that due to the location of the development, the sloping nature of the site and the deciduous nature of the landscaping that the residual visual amenity impact of the development from viewpoint 2 and the junction part of the PROW would remain as low in the longer term. I consider that the visual impact of the gravel driveway and that of the garage would be partially mitigated in viewpoint 3 and from the PROW that traverses the field, by the proposed landscaping in the longer term. As such, the residual visual amenity impact of the development from these viewpoints would also be low.
20. Overall, it is more likely than not that the proposed landscaping would, eventually help to reduce the current visual effect of the development on the appearance of the surrounding area. Yet given the high sensitivity of the users of the PROW that overall visual effect would still be moderate to minor. Additionally, I have found that the development has had a moderate impact on landscape character. That impact would be limited and localised in relation to the overall character of the surrounding area. Nonetheless, in my judgement the development has and would result in the intrusion of built form and the suburbanisation of the appeal site. Consequently, it does not and would not conserve the character and appearance of the surrounding area.
21. It follows that the development conflicts and would conflict with Policies OS2, OS4 and EH2 of the West Oxfordshire Local Plan 2031 (LP) which, amongst other

things, seek as far as is reasonably possible protect or enhance the local landscape, new development should respect the landscape character of the locality and where possible enhance the character and quality of the surroundings and new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape. Moreover, it conflicts and would conflict with Policy SLE1 of the SLPNP which states, amongst other things, that proposals for development should respect and safeguard the countryside and in particular should conserve and where possible enhance the intrinsic character and beauty of the landscape features within the Parish. It also conflicts and would conflict with paragraph 135c) of the Framework which states that planning decisions should ensure that developments are sympathetic to local character including the landscape setting.

Listed Building

22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the LBCA Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced. Historic England's The Setting of Heritage Assets (GPA 3) sets out a stepped approach to considering the settings of designated heritage assets and the impact of development on them. It also makes clear that whilst visual considerations play an important part in how a setting is experienced, other factors also have relevance, such as historic or aesthetic associations.
23. The list description states that the Manor House is a house dating from the mid/late 17th Century which has been refronted and extended to the right in around 1820. It also details the internal and external architectural features of the listed building. The Council's delegated report⁵ relating to the development cites a design and access statement (DAS) for an application reference 19/01168/LBC. It goes on to indicate that the DAS states the Manor House is thought to have been a small farmhouse built in the late 1600s. However, that DAS is not before me and in my experience traditional 'manor houses' dating from the mid/late 17th Century were principally used for residential purposes. This is because historically 'manor houses' were where the lord of the manor resided and administered his manor from. Farms and farmsteads can be associated with a 'manor house' but there is little evidence to indicate that in this case the listed building had an associated farm or farmstead. Taking into account all of the above, the special interest/significance of the Manor House appears to be largely derived from the quality of its architectural features, age, plan form and historic fabric.
24. The listed building is located to the southwest of the appeal site and there are extensive areas of mature landscaping adjacent to that building including on its northern and eastern boundaries. I acknowledge that, when that landscaping is not in full leaf, it is likely that there is some intervisibility between the listed building and the appeal site from some of the upper floor windows in the Manor House. The significance/special interest of the listed building is experienced mainly from within the boundaries of its own grounds. Yet it is also experienced from the PROW that follows the line of the access track. When the extensive areas of

⁵ Dated 22 September 2023

mature landscaping are in full leaf views of the listed building are contained to small sections of the PROW; adjacent to the drive into the Manor House grounds; and sections when approaching Manor House from the direction of Field House. Views of the listed building from other parts of the PROWs may be possible when the landscaping is not in full leaf. Therefore, any potential views of the Manor House together with the development are limited to certain times of the year as is the intervisibility from the listed building towards the development. Moreover, no historical or functional relationship with the appeal site has been demonstrated.

25. Whilst at certain times of the year the listed building may be viewed with the surrounding countryside, in my judgement, the listed building's special interest/significance is experienced mainly from within its own well-defined grounds and the part of the PROW adjacent to its drive. Thus, I find that the setting of the Manor House, in so far as it relates to this appeal, to be primarily associated with those grounds and that part of the PROW. Those generous and well-defined grounds with the extensive landscaping and access drive indicate the historical wealth and status associated with the listed building. This setting contributes positively to the special interest and significance of the listed building along with the ability to appreciate it. That experience and views of it within its immediate context and the ability of the viewer to understand and appreciate its special interest/significance is unaffected by the development. As such, there is no impact, from the development, on the contribution that setting makes to Manor House's special interest/significance.
26. It follows that the expectations of the LBCA Act are met and that the development complies with LP Policy EH11 which, states amongst other things, that proposals for development affecting the setting of, a listed building, will be permitted where it can be shown to respect its setting. It also complies with section 16 of the Framework.

Biodiversity

27. An Ecological Survey (ES) has been submitted with the appeal and it assesses that *"both ponds that lie within 250m of the new garage at Fieldhouse are of 'good' habitat suitability for great crested newts and therefore are likely to support this species. Any further works on the site will need to take into account great crested newts to ensure an offence is not committed by disturbing, injuring or killing newts."* It goes on to state that no living mature trees nor hedgerows were removed during the construction of the development therefore no trees capable of supporting roosting bats were removed and neither was there any loss of nesting habitats for birds. I have no reason to disagree with those findings. There is no evidence before me to indicate that harm to biodiversity resulting from the development has occurred.
28. The proposed landscaping and ecological enhancement scheme cited within the ES and the submitted plans could be implemented through the imposition of planning conditions if I was minded to approve the appeal. With the imposition of those planning conditions it is more likely than not that measurable net gains for biodiversity would be secured. It follows that the development would comply with LP Policy EH3 which, amongst other things, states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. In that respect the development would also comply with section 15 of the Framework.

29. I note that reference is made, in the ES, to the potential negative impact of removing/relocating the development on great crested newts. However, any works to remove/relocate the development would need to ensure that they met the relevant legislation and that is a matter beyond my jurisdiction in determining this appeal.

Other Matters

30. Within Appeal A I have determined that the relocation of the 4 bay garage would be permitted development. The appellant has indicated if I allowed Appeal A that is a material consideration as a fallback position in this appeal. It is more likely than not that if I dismiss this appeal that the garage would be relocated to the position shown in Appeal A. However, in my judgement, the proposed garage in Appeal A would have a noticeably reduced impact on the character and appearance of the area compared to that of Appeal B. This is because the proposed garage would be within the established garden area associated with Field House and it would be at a lower ground level than that of Appeal B. Therefore, it has very little weight in support of Appeal B.

Conclusion - Appeal B

31. I have found that the development conflicts and would conflict with LP Policies OS2, OS4 and EH2 and SLPNP Policy SLE1. These policies are broadly consistent with the Framework and the conflict with them has full weight. I have found there is no conflict with LP Policies EH11 and EH3 and the Council's delegated report indicated that it found there had been no harm to residential amenity and highway safety. Nevertheless, the lack of conflict/harm in these respects has no weight in support of or against the development.
32. The use of the garage for the parking of classic cars will have limited economic benefits relating to the maintenance and use of those vehicles. However, those benefits would be limited given the number of vehicles involved. The biodiversity and ecological enhancements would also provide environmental benefits. In my judgement these benefits are insufficient to outweigh the harm I have identified.
33. The development conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with it. For the reasons set out above, the appeal should be dismissed.

Appeal A

Main Issue

34. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded.

Reasons

35. As stated previously it is clear from the appellant's evidence that the LDC application is a proposal to relocate the 4 bay oak framed garage if Appeal B is dismissed. Given my findings on Appeal B the garage in that location is currently unlawful. It is also proposed to extend an existing gravel driveway. For the avoidance of doubt, the planning merits of the proposed development are not relevant in Appeal A which relates to an application for an LDC. My decision rests

on the facts of the case, on relevant planning law and judicial authority. The test of evidence is made on the balance of probability.

36. Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) grants planning permission for development within the curtilage of a dwellinghouse. Class E(a) of Part 1 allows for the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure (Class E).
37. The Council has indicated that it believes that the curtilage of Field House has been increased in size since 2009. However, there is no dispute between the parties that the development falls to be considered under Class E as the proposed garage would be located within the pre-existing curtilage (prior to 2009) associated with Field House. The Council's delegated report indicates that the proposed garage would meet the criteria within E1, E2 and E3 of Class E and I have no reason to disagree with those findings. What is at issue is whether the proposed garage would be required for a purpose incidental to the enjoyment of the dwellinghouse.
38. In the context of a dwelling, an incidental purpose is generally regarded as being a subordinate activity connected with the running of the dwelling or with the domestic or leisure activities of the persons living in it. The Government's Technical Guidance⁶ (TG) advises that a large range of buildings can fall within Class E, including garden sheds, other storage buildings and garages, as long as they can properly be described as having a purpose incidental to the enjoyment of the dwelling.
39. Relevant case law has established that in Class E, 'required' for an incidental purpose should be interpreted as 'reasonably required' and does not rest on the unrestrained whim of a householder. The physical size of an outbuilding, alone or in relation to a dwelling, is not conclusive; it is necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwelling and evaluate whether the outbuilding is genuinely and reasonably required in order to accommodate the proposed use or activity and thus achieve that purpose.
40. The appellant has stated that at the property there are 8 high value classic cars and cars that are used on a daily basis. While that is a large fleet, there is little to contradict the claim that these cars are all used for domestic use by the appellant and his family. Moreover, at the site visit I saw some of the cars and they all appeared to be ready to be used. I acknowledge that each car may not be driven in the short term. However, there is no evidence to indicate that the cars have been taken off the road and are not used. There are external parking spaces available (and these are likely to remain) but it does not seem unreasonable for the appellant to wish to garage the cars given the high value of them. Thus, it appears to me, on the balance of probability, that the garage is genuinely and reasonably required in order to provide garaging for the cars of the appellant and his family in connection with the residential occupation of their home.

⁶ Permitted development rights for householders Technical Guidance Ministry of Housing, Communities and Local Government September 2019

41. The garage permitted by the 2018 permission can accommodate 3 cars, the proposed garage would accommodate 4 cars and the barn is large and could clearly accommodate more than the 2 cars the appellant has stated he currently parks in there. But the question is not whether the appellant could manage with less garage accommodation, but rather whether what is proposed is genuinely and reasonably required. Additionally, the Council has indicated that the use of the barn incidental to the residential use of Field House may be unlawful.
42. I saw at the site visit that the garage, in its current location, is in use to park 3 classic cars and store vehicle memorabilia. Since the cars are already kept at the property in connection with its residential occupation, use of the proposed building for garaging them is not excessive and would be a use incidental to the enjoyment of the dwellinghouse. I can see no reason to doubt that the proposed garage is genuinely and reasonably required in this case.
43. Overall, I consider that the size of the proposed garage is consistent with the envisaged use and not excessive in this instance. The use of the space as proposed would be carried out as a function of the personal enjoyment of the occupant of the dwellinghouse. The Council has cited appeal decisions⁷ in Mole Valley with regard to the number of vehicles stored in buildings. In that case the Inspector stated that *'the scale of the activities (i.e. buildings used for the storage for 8 vehicles) goes beyond a purpose merely incidental to the enjoyment of the dwellinghouse'*. Yet, I do not know what evidence was before that Inspector and therefore I am unable to determine whether that case is directly comparable to this case. Moreover, in this case the appellant clearly has a hobby associated with driving, maintaining and appreciating classic cars.
44. Given what I observed on site and the submissions provided by the appellant, I am satisfied that, on the balance of probabilities and as a matter of fact and degree, the proposal would satisfy the test of being genuinely and reasonably required for its specified purpose and would be incidental to the enjoyment of the dwellinghouse as such. Accordingly, the garage would be permitted development by virtue of the rights conveyed by Article 3 and Schedule 2, Part 1, Class E of the GPDO.
45. Article 3 and Schedule 2, Part 1, Class F (Class F) of the GPDO relates to hard surfaces incidental to the enjoyment of a dwellinghouse. The proposed extension of the existing gravel driveway would be within the curtilage of Field House, and it would provide access to the relocated garage. Given my findings above, with regards to the relocated garage, the extension of the driveway would be permitted development by virtue of Class F.

Conclusion – Appeal A

46. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for erection of a four bay oak-framed garage and extension of gravel driveway is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act.

⁷ APP/C3620/C/21/3276946; APP/C3620/C/21/3276995 and APP/C3620/X/21/3281430

Decisions

Appeal A

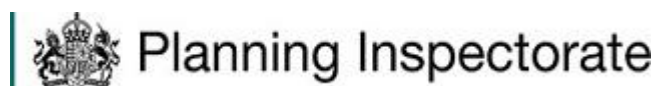
47. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is found to be lawful.

Appeal B

48. The appeal is dismissed.

D Boffin

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 11 October 2023 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red and cross hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probabilities and as a matter of fact and degree, the proposal would satisfy the test of being genuinely and reasonably required for its specified purpose and would be incidental to the enjoyment of the dwellinghouse as such. Accordingly, the garage would be permitted development by virtue of the rights conveyed by Article 3 and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Consequently, the proposed extension of the driveway would be permitted development by virtue of the rights conveyed by Article 3 and Schedule 2, Part 1, Class F of the GPDO.

Signed

D Boffin

Inspector

Date: 7th July 2026

Reference: APP/D3125/X/24/3338014

First Schedule

Erection of a four bay oak-framed garage and extension of gravel driveway as shown on drawing numbers 101707/FITCHETT/001/PL02; 2210519-1 page 1; 2210519-1 page 2; 2210519-1 page 3.

Second Schedule

Land at: Field House, Witney, OX29 6XG

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

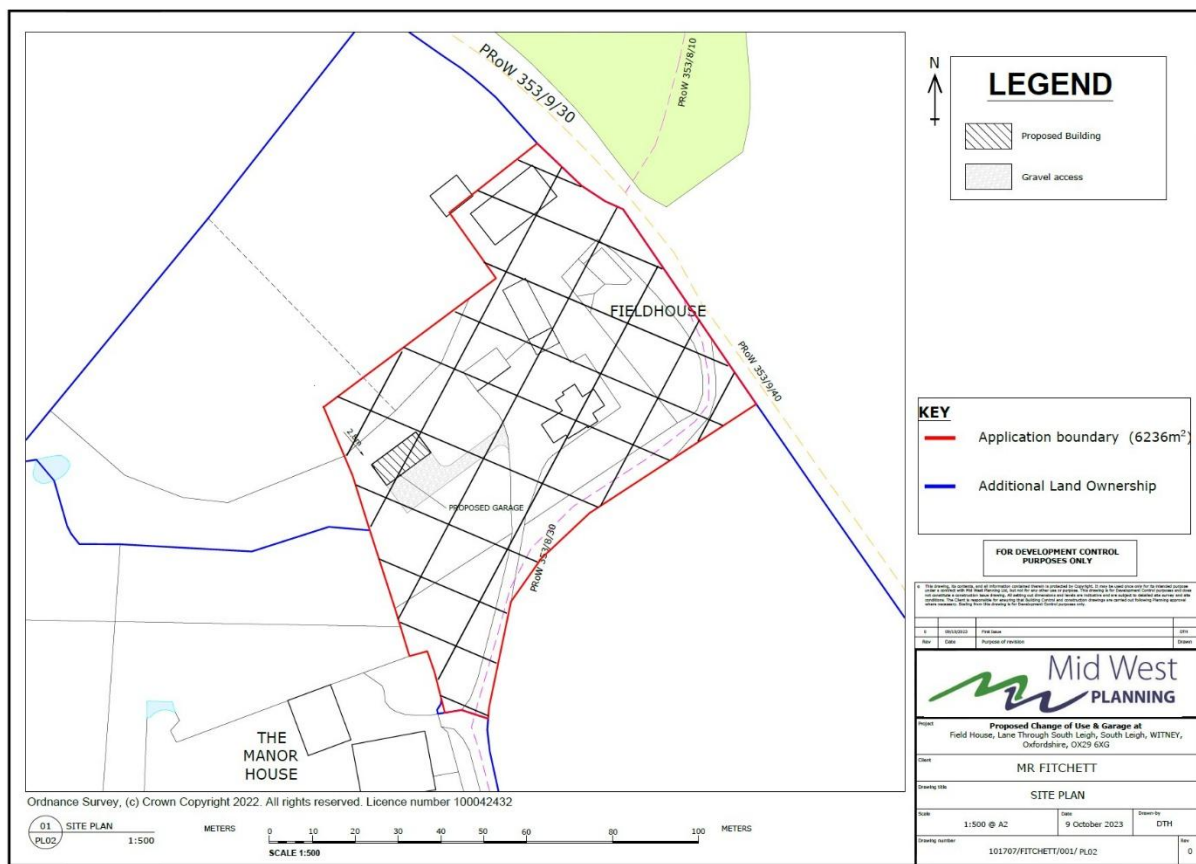
This is the plan referred to in the Lawful Development Certificate dated: 7th July 2026

by D Boffin

Land at: Field House, Witney, OX29 6XG

Reference: APP/D3125/X/24/3338014

Scale: Not to Scale



101707-FITCHETT-004.DWG